



Department of Social and Political Sciences
European University Institute

***Media reform in post-communist Europe
Case studies of Hungary, Ukraine and Kosovo***

By Zsófia Szilágyi

*Thesis submitted for assessment with a view to obtaining
the degree of Doctor of the European University Institute*

September 2005

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Examining jury:

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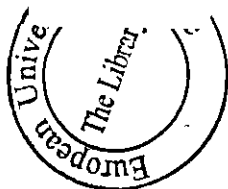
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ABSTRACT

Situated on the edge of mass communication studies and transition studies, this PhD thesis examines the process of media reform in countries undergoing post-communist transition. By performing three very different single country studies – a relative success story of transition (Hungary), a struggling post-Soviet society (Ukraine), and a post-conflict, international-administered province (Kosovo) – the work seeks to compile a thorough account of the problems that have plagued the region's media reform process in the last decade.

The primary goal is to contribute to the discussion on media democratisation through preparing comprehensive case studies on the basis of carefully selected empirical material. While focusing on the most important elements of the complex interaction between political and media systems, the thesis reviews the new structural and cultural organisation of the media systems. It focuses on the policy decisions that were adopted by political elites, and on the discussions which surrounded the theoretical grounding and/ or the implementation of these decisions. The work hypothesises that media systems undergoing transition can be fruitfully analysed according to four normative media models – the libertarian, social democratic, authoritarian and development assistant models.

These theoretical models help to ascertain the fundamental organisational and structural principles which define a given media segment, and also help to identify the basic commonalities and differences between the various development paths. The work argues that the success of media reform ultimately depends on the political elites' commitment to implementing the above models in an appropriate balance. It concludes that a "transitional media model" might make sense for some of these countries, in which continued party political presence and political parallelism – particularly in the print segment – may be justified.

1. The first part of the document is a list of the names of the persons who have been appointed to the various offices of the city of New York.

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During this time, beyond the academic activities I worked for the OSCE Mission in Kosovo, the Center for Policy Studies at the Central European University (Budapest), and the Stability Pact for South East Europe (Brussels). I have also become involved in the latest international inquiry into the Gongadze-case, which was pursued by the International Federation of Journalists and the UK National Union of Journalists prior to the 2004 elections.

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CHAPTER I.

INTRODUCTION

The post-communist transition in Central Europe, South Eastern Europe, and the former Soviet Union (hereinafter post-communist region) has been a very complex process with several interdependent institutional and cultural dimensions. It has been an unprecedented transformation, where political, economic and, in most countries, even territorial changes occurred simultaneously with a radical societal change. Fifteen years after the fall of the Berlin wall, the countries in the region have produced an extremely mixed record – while some have made substantial progress on all aspects of democratic reform, some have retained authoritarian governing structures, and some have declined into ethnic conflict and war. The under-performing countries are increasingly seen to be in a “grey” or “twilight” zone. (O'Donnell, 1996; Diamond, 1999; Carothers, 2002)

Scholars of democratic theory are in debate over the applicability of concepts such as “democracy”, “democratic transition” and “democratic consolidation”, and academic attention is gradually shifting toward the more informal characteristics of post-communist change, and to the actual “quality” of democracy. The degree of democratisation is increasingly measured through the development of civil societies, the functioning of independent judiciaries and media systems, the quality of political representation systems, as well as the degree of participation by the publics. In his revision of some basic transitology concepts, Guillermo O'Donnell (1999) argued that democratic theory must include a historically-oriented political sociology of democracy, as well as an analysis of certain aspects of the overall social context.

The diversity of development paths has called into question the validity of some of the basic assumptions that governments engaging in “democracy promotion” have operated with, such as the directional trajectory of political change, the stages of development, the importance of elections, the underlying structural conditions of political change, and the strength of the state as the foundation of the political system. (Carothers, 1999) The concept of “reform” has also gradually lost its positive connotation, developing instead a more realistic meaning, i.e. that reforms are not naturally forward-moving processes. It has also emerged that perhaps even some of the fundamental questions guiding post-communist research should be posed differently. Instead of assessing development according to predetermined stages, we should formulate more open-ended queries. (Carothers, 2002: 18) All in all, it is increasingly recognised that the terms “post-communist” and “transition” have outlived their usefulness, and the assessment of post-communist political developments in the framework of deterministic conceptual approaches has become rather counterproductive. (O'Donnell, 1996).

Given that this research project does not aim to contribute to conceptual innovation, it will have to work with some of the existing concepts for reasons of simplicity. The terms “transition” and “transformation” will be used interchangeably

throughout this work, but it is acknowledged that the overall democratic transition is an open-ended process, which can take many different directions, speeds, and typologies. The thesis will also continue to apply the term "post-communist transition", although recognising that this does not imply that the three different countries¹ discussed here are classified as one homogenous category. The main theme of this work is the reform effort in the media sector, which has been one of the most controversial and protracted areas of reform, even in relatively successful transitions. This research project organises empirical information in a comprehensive and structured manner about three different cases, seeking to identify, clarify and contextualise the reasons for this negative outcome. Hungary, Ukraine and Kosovo were chosen for their potential to exhibit diverse patterns of post-communist media transition.

Many recent enquires have discussed whether and how the media system contributes to democratic transition and consolidation, or whether a free and democratic media system is the cause or effect of overall democratisation. In this research, the goal is different – it is to explore the more open-ended question of what happens to the media's organisational and institutional forms after the collapse of communist regimes and the introduction of electoral democratic systems. It is in this light that the thesis seeks to reconstruct the major policy steps and bones of contention that the media reform process has generated between the various power- and stakeholders (i.e. different political parties, governments, media organisations, media owners and elite groups). Meanwhile, conceptually speaking, the thesis touches upon the question of whether a "systemic approach" is necessary for a successful development of media reform strategies, and whether this might be an appropriate lens through which to assess media reform.

Basic concepts. The term "media" is understood in a narrow sense and is defined as the ensemble of all traditional media institutions (both broadcast and print) which have the potential to shape the quality of the *political* discussion in the public sphere. Also referred to as the "news media", it refers to the nationally available broadcast channels and newspapers, which all have the potential to cast significant influence on political developments. Theoretically speaking, the media is thus perceived as the central instrument of the public sphere, and our definition naturally excludes non-mediated forms of the public sphere, such as cinemas, theatres, exhibitions and other public communications fora. Given that the research began in 1998, when technology was not as advanced as it is today, this definition also excludes communication platforms such as the internet. (Although the internet will be covered where it is of key importance.) The media is conceptualised as a system which is to some degree integrated with the political, economic and civil societies² in every country under review, but a system where the degree of this integration, as well the degree of pressure coming from either field, vary according to the country's particular development path. It is posited here that the media provides a "space of interconnection" between these three societies, and often represents a certain complementarity between them.

Generally, the declared goal of the media reform process is the creation of a "free and democratic" media system, and the process can be conceptualised to

¹ While it is acknowledged that Kosovo is not an independent country, for reasons of simplification, it will be referred to as part of the group of "countries", or "cases", examined in this thesis.

² These three societies are understood in the sense of Linz & Stepan (1996).

encompass two fundamental layers of reform – the elite-driven reform measures as well as the internal professionalisation of news media organisations. The goal of media reform is usually understood as the creation of new institutional and cultural foundations for the post-communist political communication system, or more operationally, the creation of a sustainable institutional and organisational environment, which moves the media system as a whole, as far away as possible from the institutional and organisational patterns of the communist media system. The process of media reform can also be understood as the renegotiation of the macro-environment for political communication. The theoretical end goal is usually designated as a media system founded upon and representing the highest European standards, and the corpus of non-binding recommendations by the Council of Europe provides a clear set of principles and benchmarks which could guide the reform process.

The media system's general organisational principles are thus changed from political subordination to independence from political and economic interests, from singularity to pluralism of ideas, and from serving as the primary space to channel official state propaganda to accommodating the individual citizen's right to freedom of expression. Reform entails the design of a system of regulatory frameworks and institutional structures which reflects the new social and political realities (including democratic principles upon which the new states are founded), and should also result in improved citizen participation *through* the media, and perhaps even an effective societal representation *by* the media. The media, in this sense, is structurally and operationally organised to have a socially unifying (centripetal) as opposed to a fragmenting (centrifugal) influence.

This thesis endorses the position held by Monroe E. Price & Peter F. Krug (2000: 4) that "law alone, efforts of aid-givers alone, or efforts by the host government alone rarely determine how free, pluralistic and independent media can be [... and that] there is a close interaction between what might be called the legal-institutional and the socio-cultural, the interaction between law and how it is interpreted and implemented, how it is respected and received". It also recognises the position advocated by Daniel C. Hallin & Paolo Mancini (2004: 8) that the news media cannot be understood without studying the nature of the state, the system of political parties, the pattern of relations between economic and political interests and the development of civil society, among other elements of social structure.

Following this logic, the media reform process – if viewed comprehensively – encompasses a multiplicity of dimensions, including structural, legal, organisational, and financial reform, and essentially all parts of the five arenas of democracy (listed by Linz & Stepan, 1996) have a crucial impact on the development and direction of process. For it to occur smoothly, it is necessary to have a stable national-political environment, a functioning rule of law, a sound political commitment to reform, as well as a consensus-seeking, democratic political culture. In addition, this research will argue that in order to achieve these targets, it is necessary to have a clear concept about the principled foundations of the new media systems, as well as transparency over the reform process and the political convictions which guide it.

Despite the complexity of the reform process and the high number of variables, this work will focus on the emerging relationship between political elites and the media system. We will adopt a perspective in which the focus is on the *process of negotiation*

between political elites, media community and the civil society about what characteristics the new media landscapes should have. In other words, the primary focus is on the new institutional relationships that are promoted through government policies, as well the impact of tensions on the internal growth potential of the media. This way the thesis could assemble the most important qualities of the changing media systems, and document the changing culture through studying the issues which cause most cultural and political controversy throughout this process. This perspective is buttressed by research which has identified a high correlation between the conduct of political elites and the success of democratic transitions (e.g. Schmitter, 1992, Linz & Stepan, 1996).

It is also supported by the perception that the media is imperative in influencing the creation of new party systems, reality definitions, and generally the consolidation of party legitimacy and societal support base. The elites' attempts to establish a firm control or monopoly over the channels of mediated societal communication are thought to be rooted in a very basic need to use all possible peaceful means to obtain and retain power within the framework of democracy. It is thus assumed here that the problems surrounding media reform can be understood through interpreting them as part of the societal, and particularly elite negotiation over the new political power structures.

Methodology and theoretical foundations. The thesis builds on a number of ideas and concepts that were developed either in political communication (mass communication) or in transitology (democratic theory) research, and is thus positioned on the edge of both these disciplines. However, since no comprehensive theoretical framework and methodology has been widely endorsed so far as applicable for the study post-communist media systems, the thesis will apply a policy studies approach as its main method of inquiry. The work does not seek to develop new concepts or definitions in the area of "democracies with adjectives" but instead it seeks to analyse in a systematic fashion what changes have occurred in media structure and culture in the aftermath of a radical system change. All in all, the study is primarily exploratory in character and does not seek to test complicated hypotheses.

It aims to gather information in a comprehensive manner, which could serve as the foundation of future theoretical research and possibly, theory development. We attempt to gather and synthesise empirical material on the media reform process in countries which had markedly different initial conditions and development paths. Hungary, Ukraine and Kosovo are three countries which have gone through starkly different transition routes, and their respective civil societies have been empowered to different degrees prior to and throughout the transition process. Through this method, the work seeks to demonstrate the wide range of problems which have plagued the region, and to identify the problem areas which have a generic validity. It is believed that due to its focus on the relationship between the media and the emerging political order, the findings of the research will be especially interesting for policy-makers and researchers of post-communist democratisation.

Central argument. Given that the thesis has a "systemic" orientation, one of the central arguments is that the analysis should give a comprehensive treatment to all main structural units of the media system. This also entails the print and broadcast segments – which are organised according to different structural and philosophical guidelines – should be studied separately. At the same time, the various policy decisions, conceptual

arguments and general behavioural patterns by stakeholders should be categorised according to normative media systems theories, based broadly on Frederick S. Siebert, Theodore Peterson and Wilbur Schramm's "Four theories of the press" (1956). By placing the media reform process into the context of macro media systems models, it is hoped that the analysis would clarify the main direction where the systems are heading, and the main obstacles that are being produced. It also hoped that this would lead to an understanding of the basic characteristics of the new media systems, as well as the underlying principles guiding policy reform. It is hoped that this approach would help to dissect the anatomy of political and societal conflicts arising from incompatible ways of theoretical conceptualisation and argumentation.

Challenges of media reform. The creation of an open, democratic public sphere was a fundamental goal of the reforming elites across the region. Soon after the 1989-1991 system-change, both *freedom of speech* and *freedom of expression* – key characteristics of procedural democracy – were widely declared basic constitutional rights. However, the establishment of free and democratic media – the discursive space which allows those rights to be practiced – has turned out to be more challenging than imagined by both local elites and the international academic community. The media's structure and organisation has been the subject of an important debate, mostly rooted in different views on what constitutes the "public interest", what the state's rights and obligations are during the transition process, and ultimately whether the markets can be trusted to create a democratic media system. While political elites in the more advanced countries rhetorically agreed about the need for reform, no consensus was reached on how to best transform the media system from political into civil society institutions. In less developed nations, political elites had no real incentive to democratise, as the existing institutional and structural frameworks were helping them to stay in power, while civil societies proved to be too weak to make substantial change.

It is a widely accepted notion today that the media's potential is enormous in facilitating the dialogue of transition between political elites and societies, and the success of media reform has overarching implications for the success of democratic consolidation. Because of the diversity in the post-communist region, no standard reform strategy or applicable model has emerged, but it is generally acknowledged that – theoretically speaking – the democratically elected governments' responsibilities in the media field pertain to two fundamental and interrelated tasks. The basic transitology paradigm applies (Schmitter & O'Donnell, 1986: 6-11, Linz & Stepan, 1996: 3), according to which on the one hand, there is a need to liberalise the media market, and on the other, to democratise the overall system. While "liberalisation" is a relatively simple task, requiring an adequate political consensus to open up markets to private competition, "democratisation" is a complex undertaking involving the design and implementation of an adequate legal framework, the establishment of supporting institutions, and a variety of decisions with regard to financial and political re-organisation. Democratisation also involves placing certain limitations on the state (e.g. to allow political independence of the public media) as well as financial commitments (e.g. print media subsidies or public service funding). Both elements of reform are imperative for the creation of a sustainable media landscape which serves the long-term needs of an emerging democratic society.

Today, few policy-makers would doubt the importance of both aspects of reform, and Western European media theorists agree that liberalisation alone would handicap political and societal discourse by blocking the development of equality, and possibly quality, within the public sphere. Aware of the potential negative ramifications of a liberalisation-only policy, theorists of post-communist media reform have argued for a need to implement a comprehensive framework of legal, political, and financial arrangements, which would lead to a complete restructuring of the state's role, would enable the business community to invest in the media sector, and would also empower civil society to actively engage in the political process. Regarding the conduct of political elites, they also argued that the adoption of ambitious legal frameworks must be followed by rigorous and transparent implementation.

Free or democratic? Attached to the two aspects of the process are the concepts of "free" and "democratic" media. Given that these are often used interchangeably, it is essential to provide a clarification early on. The concept of "free media" emphasizes freedom from political manipulation, essentially based on the libertarian theory of the press (Siebert et al, 1956), which takes the individual's right to free speech as a basic principle, and assumes that market-based media pluralism reflects social diversity. Meanwhile, the notion of "democratic media" incorporates the idea of equality, attributes a role to the state which embodies the principle of politics-neutral constructivism, as opposed to a politicised, possibly destructive influence on the institution of the media. These two concepts are not only useful bases of analysis, but also reflect the difference between the American and the European approach regarding the role of media in democracy, with the emphasis being on freedom in the US and on democracy in Europe.

Past approaches. In the last fifteen years, the post-communist transition process has been studied through every major discipline and within those, a wide range of perspectives. Several enquiries have attempted to evaluate the conduct of political elites and the general state of the media through a review of legislative work, constitutional debates, ownership trends, and concentration figures. There have also been historical and sociological surveys, analysing cultural variables within the framework of a "path dependence" approach, focusing on the historical conditions of media democratisation. The subject of media reform has also become a topic for political scientists, primarily because the media sector has been one of the most radically changing aspect of the post-communist political reality. It was widely recognised that the post-communist governments' treatment of their national media systems not only indicates their achievements in the overall democratisation project, but also mirrors their relationship with their respective societies. Focused political analysis was also considered necessary due to the fact that post-communist policy-makers were under immense pressure to produce swift results in media reform, and have been held against the highest principle benchmarks by their Western European and American counterparts.

There has been an understanding among the academic community that changes in the media-political relationship reveal an important aspect of the changing political culture in these societies. Scholars also assume a circular relationship between media democratisation and the political transformation process, and generally accept that media democratisation, in itself, is not a sufficient variable to draw overall conclusions about the quality of democracy. The recognition of the media's importance by scholars

is underscored by the fact that during the 1990s, "media studies" became one of the fastest growing academic industries, both in terms of theoretical and empirical output. This coincided with swift technological changes in the 1990s, which also invigorated the Western debate about the potential of the public sphere and the importance of mediated deliberation.

The interplay between media and democratic transition and consolidation has been analysed by several scholars, including Al Hester & Kristina White (1993), Liana Giorgi (1995), Farrel Corcoran & Paschal Preston (1995), John Downing (1996), David Paletz et al (1995) Karol Jakubowicz (1996, 2002, 2003) Patrick H. O'Neil (1997, 1998), Colin Sparks & Anna Reading (1998), Owen V. Johnson (1993, 1995, 1998), Monroe E. Price et al (2002), and Miklós Sükösd (2003). Among others, Karol Jakubowicz also analysed a series of theoretical perspectives with regard to measuring media change (1998), and the applicability of normative media models (1999), while Attila Ágh and Elemér Hankiss focused on cultural aspects of reform (1992). Jean Cohen, and Gábor Halmai & Mária Vásárhelyi developed a public sphere angle (1996), Peter Gross focused on the relationship between the new political elites and the media (2001, 2002, 2003), while Monroe E. Price and Peter F. Krug wrote about the enabling environment for free and independent media (2000) as well as the media development effort ran by international organisations (2002).

In addition, significant attention has been paid to the theory and patterns in media privatisation (Slavko Splichal, 1993, 1995), the political economy of the media (Mihály Gálik & Zoltán Jakab, 1991, and Mihály Gálik, 2001), as well as the concept of public service broadcasting (e.g. Colin Sparks, 1998, Tamás Terestyéni, 1995). Policy analysis on broadcasting regulations has also been performed (Karol Jakubowicz, 1999; Alina Mungiu-Pippidi, 2001), as well as the study of cultural aspects of communication (Nóra Schleicher, 2000). In relation to theory, John Downing (1996) pointed to the interdisciplinary nature of media research, arguing that a wide range of theories must be used to support the analysis of post-communist media democratisation, while Andrew K. Milton (2000) used both democratic theory and organisational analysis to analyse media reform. Last but not least, Oleg Manaev & Yuriy Pryluk looked at the more general transition from totalitarianism to democracy (1993), Bruce Parrott & Karen Dawisha analysed media reform in Russia and the Western peripheries of the CIS (1997), while Natalya Krasnaboka & Kees Brants studied media landscapes in Russia and Ukraine (2002).

By the mid-1990s, the subject's importance was also indicated by the growth of grassroots advocacy groups, and the strengthening of the institutional frameworks for funding and assistance. High on the list of important NGOs is Freedom House, Reporters Without Borders, Article 19, Freedom Forum, The International Research and Exchange Board (IREX), and the International Federation of Journalists. Also indicative of the media's importance was the OSCE's appointment of a Representative on the Freedom of the Media (1998), and the increasing attention paid by the World Bank, UNESCO, and the Council of Europe. The state of media reform became a key indicator influencing a given country's standing in international politics (e.g. a condition for negotiations on, or admittance to the European Union), and – for some countries – it also became the basis for economic assistance by Western donors.

Across the region, despite the variations on organisational structure, investment climate and legal environment, many of the challenges facing the media reform process have been similar. Political elites – particularly in the “grey zone” – strongly interfered in developments within the media sector through manipulation of frequency allocations, the excessive fining of media outlets, as well as different forms of administrative persecution i.e. police raids and tax inspections. There have also been examples where governments failed to liberalise the markets, to decriminalise defamation laws, or where they applied economic pressure on media outlets through the placing of targeted state advertising, or the allocation of direct subsidies to partisan media. Many governments have denied access to public information, have designed sophisticated systems of official censorship, or have kept a state monopoly on printing. In places, governments have also failed to curb the emergence of media oligarchs and to provide adequate safety guarantees for journalists.

In an attempt to maximise their discursive power, emergent political parties have competed not only for electoral votes but for domination over the primary channels of societal communication, despite the fact that these battles infringed upon the constitutionally-protected principles of democracy. In fact, Karol Jakubowicz observed that in some countries, the only thing political elites agreed on was that post-communist political parties should have a legitimate right to own media outlets in order to generate a pluralistic media system and to promote the process of transition. (1995: 39-40) The over-politicisation of the new media systems has been aptly demonstrated by the widespread use of *lotizzazione*, especially in regard to the appointment of public service managements and supervisory boards, promoting the interest of political parties rather than the radically changing societies. (Jakubowicz 1998: 19, Mungiu-Pippidi 1999).

The theoretical justifications put forward by different governments have also been quite similar. Political elites widely held the view that the emerging media system should be subordinated to the political realm, arguing that the only legitimate way to articulate societies’ interests was within political institutions. As the people’s elected representatives, government elites often asserted that they must be able to deliver their message directly to the people, and not have to compete in the marketplace. In several countries – including Hungary – politicians openly said that the media have a “responsibility” to serve the political establishment, and always articulate the “correct view” as opposed to representing a diversity of voices and interests. Some governments argued for the need to create a balance within private media to reflect the power relations between political forces, while some theorised that the state needed to protect society from the media itself. Overall, the elites widely argued that a free and open media system could not be tolerated when the economies and the democratic institutional structures are still fragile. (Johnson, 1995: 161)

Not only that the decades of communism locked these societies away from the gradual media democratisation process which occurred in Western Europe in the second part of the 20th century, but the close scrutiny of international human rights and advocacy groups put significant political pressure on political elites to achieve swift results. At the same time, many of the challenges are shared with advanced Western European democracies. The effects of technological change, commercialisation, globalisation, changing political communication, news-gathering and distribution patterns, and what Daniel C. Hallin & Paolo Mancini more generally call “the

homogenisation of media systems and the public sphere", (2004b: 25) have placed an external pressure on the national social and political systems in which media systems have been traditionally rooted. The combined effect of these dynamics generated significant pressure within the media-political relationship and often produced unexpected results in both media consumption patterns and media landscape structures.

While the media reform does reveal a lot about the changing political culture, its success is also firmly rooted in the very political culture which it is about to change. The academic community agrees that for democratic systems to consolidate and endure, a supportive political culture and a strong civil society must develop, while corruption and authoritarian government practices must be eradicated. Political culture, understood here as the cultural aspect of the way authority is exercised (i.e. political behaviour, political values, as well as the prevailing political communication patterns) remains weak in most countries, and has retained an authoritarian flavour, leading to the compromising of political values for short-sighted gains.³ Meanwhile, an analysis into political communication patterns shows a series of negative trends such as an increasing nationalist-populist discourse (and in some instances anti-Semitic discourse) as well as other aggressive efforts to dominate the discursive space. Empirical evidence points toward the conclusion that there is a generic lack of a consensus-seeking rational dialogue. (Ágh, 1992, 1998)

The development of more democratic political cultures has been complicated by the endurance of communist-era, cynical mindsets across societies (Sztompka, 1993) and particularly in the cultural heritage of the political elites and the journalistic community. At the outset, the level of social capital, defined by Putnam as "the features of social organisations, such as networks and trust that facilitate co-ordination and co-operation for mutual benefit" (1995: 67) also proved very low across the region. (e.g. Paldam & Svendsen, 2000, Letki & Evans, 2002) Post-communist political elites are mostly derivatives of the old communist elites and of the anti-communist, dissident intellectual community – both of which fragmented into competing groups throughout the 1990s.⁴ While political culture is hard to measure and compare, political participation patterns suggest that despite the hardships, societies remained relatively involved and active in elections. However, citizen involvement in public life through media consumption seems to have deteriorated across the region. In almost every country, newspaper penetration and audience figures are lower within the political media than they were during communist times.⁵ This is due partly to the continued political interference and a combination of economic factors and market trends.

³ Country reports in Freedom House annual democratisation indexes, EU progress reports

⁴ Across the region, Ágh (1998) has divided elites to the following categories: a) "Politicians of morals" – who played a role in opposing the Communist regime (predominantly in Hungary, Poland and the former Czechoslovakia); b) "Politicians of historical vision" – who represent a direct or indirect (e.g. József Antall of Hungary) continuity with the pre-Communist political past; c) "Politicians by chance" – who were catapulted to power by the chaos of the transition, and who are "aggressive exhibitionists" but "unable politicians"; d) "Old nomenklatura" – a mixed group of Communist Party members or leaders, half-hearted opponents of the communist rule and reformers; and lastly e) "New professional political elites" – old and new politicians, mostly from the younger generation, who emerged in the second half of the first post-Communist transition decade. Source: Ágh, A.: *The Politics of Central Europe*. London, Sage Publications, 1998, p. 112.

⁵ Norris (2000), and annual surveys by World Association of Newspapers

Also, in the initial years of the transition, one common pattern can be identified across the most developed part of region i.e. that post-communist governments had fairly limited policy options in the areas of political institution building, as well as economic, and legal reforms. Innes (2001) observed that in some countries, the development of post-communist parties may be compared to the development of Western European catch-all parties – to use Otto Kirchheimer's phrase (1966) – in terms of the competitive logic of minimising ideological positions in order to embrace a large constituency. In order to cope within a transitional environment that offers few alternatives, the parties have moved most of the political competition to the media, and clashed over "operating styles" rather than over substantive policy preferences.

The phenomenon of corruption has also had a dramatic influence on democratisation efforts. Broadly defined here as "the misuse of public power for gain other than the public interest," corruption *per se* is hard to measure in any society, but "perceptions of corruption" have been widely accepted as trustworthy indicators of the phenomena. In the transitional era, persistent corruption can cause irreparable damage within the civil society-political society relationship, it can thwart economic development and undermine political legitimacy. It also leads to increased inequity in resource distribution, less political competition, and greater distrust in government. In most post-communist countries, the public perceives corruption to be woven into the basic institutional framework, undermining governance and weakening the credibility of the state.

The level of corruption has been proved to be strongly interlinked with media democratisation, and reformed media systems can significantly contribute to fighting corruption. As a result, even financial institutions such as the World Bank recognised that anti-corruption strategies must include a media component.⁶ The media's potential in fighting corruption has unfortunately also been recognised locally – more than 200 journalists have been killed while investigating stories on corrupt officials or criminal groups in the territory of the former Soviet Union alone.⁷ Due to the combined effect of the above examined cultural aspects, it has been theorised that media reform was always going to be a difficult process, and Western governments have been far too optimistic about its smoothness. (Gross, 2001) Many argued that while institutions can be changed, the reform of mindsets, behavioural patterns and other cultural variables will be a long-lasting process, one that could take as long as a generation to complete.

Basic research questions. Based on the empirical evidence available about post-communist transitions, it seems that the importance of direct media-political relations has been advocated not only by political elites but also by some parts of the journalistic community. We therefore have to take it as an unavoidable element of the discussion, and one which we need to conceptually integrate into our research framework. Among others, we need to ask ourselves – to what extent is it legitimate for political elites to stay involved in media affairs? And if they do stay engaged, how should their engagement be organised so that it does not protract the overall democratisation project?

⁶ Since 2000, the World Bank has included the "fostering of independent media" as its basic programme points to fight corruption. Others include a) increasing political accountability, b) strengthening institutional restraints within the state, c) strengthening civil society participation, d) creating a competitive private sector, e) reforming public sector management.

⁷ Glasnost Defense Foundation (www.gdf.ru) Cited in Nelson *et al* (1999)

In this regard, how can the state's neutral constructivist role be conceptualised, and do political parties have any legitimate place in crafting this role? Is the emergence of media-political parallelism a natural side effect of democratic transition, or is it the result of the undesired but unavoidable regression from the initially ambitious commitments? And last but not least, is it fruitful to set the highest standards of press freedom at the outset of the reform – will that keep the process sustainable, and on the right track?

Structure. Transitologists have argued that the characteristics of the regime prior to the system change have a determining influence both on the path, pace and direction of the transition process. Therefore it can be assumed that the establishment of free and independent media systems is highly dependent on the initial conditions. In order to maximise the results of the empirical study, the research will thus perform a brief examination of the initial conditions first. It will then continue to assess the methods of liberalisation and democratisation, as well as the journalistic community's ability to participate and influence these reforms. During the comprehensive reconstruction of the media reform process in three single country studies, we will use a framework of normative media systems theories in order to illustrate the internal heterogeneity of the emerging media systems. While not every aspect of media reform can be categorised according to these models, it is hoped that the most essential features can be clearly identified, and that the external and internal aspects will prove to be complementary and mutually feeding into each other.

The work will be divided into five further chapters. The next one will review the theoretical foundations and conceptual development of the key notions associated with media and democracy research, and will designate a theoretical framework. The subsequent chapters will contain detailed case studies, which will be divided into similar subsections in order to focus the analysis and facilitate comparison. The last chapter will attempt to synthesise the findings, and identify the commonalities and differences between the three countries, with a view to drawing some recommendations regarding possible conceptual and theoretical avenues for the future.

Empirical data. The thesis predominantly relies on existing information, and does not generate new empirical data. The compilation of the material is the result of years of extensive library, internet, and field-based research, and significant analytical selection. The bulk of the empirical evidence was gathered from local newspaper reports, policy documents, legal texts, as well as reports by the European Union, OSCE, Council of Europe, USAID and other international organisations and development agencies. In the case of Kosovo, a one-year assignment was completed to gather the necessary information. Various political statements regarding media freedom issues have also been analysed, as well as opinion polls related to perceptions of the political and media situation. Other sources included surveys obtained from various local and international NGOs, as well as media monitoring surveys by international organisations. Also useful have been the reports by advocacy groups such as Freedom House, IREX, Human Rights Watch, the International Press Institute, and Article 19 etc. Scholarly literature and analysis by international think tanks (including the European Institute for the Media and the Open Society Institute), as well as international newspapers and policy journals were also consulted throughout this research project. The list of persons who gave in-depth interviews for this thesis can be found in the Appendix.

As this thesis will show, there is a good reason to be pessimistic about the media reform process, but let us nevertheless begin this project with the words of John Keane who once wrote that the scope and meaning of freedom of communication and the process of representation will *always* be contentious, and societies in which there are no controversies over the media are societies which are dying a slow death. (1991: 127-129, paraphrased here) In relation to post-communist Europe, this could be seen as an encouraging statement. The sub-text of Keane's message is that the debates not only raise consciousness around the issues of press freedom, and enhance the strength and stamina of civil societies, they also carry the potential of distinctly positive outcomes, which might strengthen the societal-cultural foundations of emerging democracies.

CHAPTER II.

LITERATURE REVIEW, THEORETICAL FRAMEWORK AND METHODOLOGY

This chapter reviews relevant literature on democratic theory, mass communication theory, and media democratisation research, in particular the discussions on the media's perceived influence on societal developments. It then looks at possible theoretical approaches, and proposes an analytical framework based broadly on the normative media theories proposed by Siebert, Peterson and Schramm (1956). The chapter also discusses the background for choosing the case studies, and closes with the introduction of the hypotheses and the central assumptions regarding the dependency relationship between the media and the political system, the role of the media in democratic transition and the treatment of political parallelism.

1. CONCEPTUALISING THE MEDIA-DEMOCRACY RELATIONSHIP

The oldest source of ideas about the contribution of mediated public communication to societal and political developments can be found in classical democratic theory. In the 18th and 19th centuries, several liberal thinkers reflected on the importance of public discourse – Rousseau deemed it essential for the formation of a general public will,¹ and John Stuart Mill outlined a philosophical rationale for “government by discussion.”² In this tradition, the media was considered central to the democratic process through facilitating the formation of public opinion, and through guaranteeing certain individual civil rights, i.e. allowing citizens to articulate their views, and to gather information on public matters.

Throughout the first half of the 20th century, scholars assumed a fairly straightforward, sequential relationship between the media, socio-economic development and the process of democratisation. It was believed that the more liberal the media system, the more it can contribute to economic growth and democratic consolidation. The spread of communism strengthened this view, but at the same time called for a major rethinking of the media's potential in the establishment, maintenance and/or demise of various political systems. (Norris & Zinnbauer, 2002: 5) The communist media model emerged as the exact opposite of the principles upheld by

¹ Rousseau, Jean-Jacques: *The Social Contract*, Book IV, Chapter II. For a discussion of Rousseau's view of deliberation, see Manin, B.: “On Legitimacy and Political Deliberation” in *Political Theory*, Vol. 15, No. 3, August 1987

² John Stuart Mill: *On liberty*, 1859. For an overview of this concept, see Kinder, Donald R. & Herzog, Don: “Democratic Discussion,” in Marcus & Hanson (eds.): *Reconsidering the Democratic Public*, Pennsylvania State University Press, 1993

liberal democracy, in regard to the media system's structure, organisation, and philosophical justification.

The two different types of systems can be simplistically described as "open" and "closed" systems, following Popper's allegory of open and closed societies.³ An open, liberal model is based on a combination of individual values (i.e. freedom of expression) and societal values (i.e. openness, democratic political system), and has a complex internal structure, with multiple layers of vertical and horizontal communication. Meanwhile, the closed system is based either upon coercive structures or fake societal values (i.e. peace and order), and stresses the dangers of unrestricted communication and expression. Its lines of communication are simplistic and controlled from above. At this point, it was assumed and widely advocated by developmental theories of the 1960s⁴ that Western open models, when exported to developing regions, could contribute to the success of transitions to democracy.

With the gradual development of interpretative audience research, and of mass communication theory in the Western world, the media's role and influence became the focus of a stand-alone research strand – mass communication research.⁵ Included in this field was also the sub-field of political communication, which specialised in studying the relationship between political systems, electorates and the media. The development and growth of mass communication research was embedded in a more general need to develop new theories which would explain – through media research methods – the experience with the second, "reverse wave" of democratisation (in Latin America, Sub-Saharan Africa, and Asia). These political developments swiftly eliminated the validity of the "sequential" arguments in developmental theories, and many scholars admitted to the possibility of a strong conflict within transitional societies over media freedom. The media gradually came to be regarded as a potentially powerful propaganda agency, capable of sustaining authoritarian regimes, even if partially liberalised. (Norris & Zinnbauer, 2002)

In response to the emerging need to construct media theories for different political systems, Siebert, Peterson and Schramm suggested in 1956 (hereinafter Siebert *et al*) that the organisation and function of the media should be studied in the framework of four normative theories – the authoritarian, the libertarian, the social responsibility, and the Soviet (in order of historical emergence) – which illustrate the media's position in relation to their political environment. Siebert *et al* implied that the division between open and closed systems continues to be valid, by pointing out that the social

³ See Popper, Karl: *The open society and its enemies*, London Routledge, 1980 (first published in 1945)

⁴ More specifically, the modernisation theories in the 1950s and 1960s stressed the media's positive influences on society, and held that the growth of mass communication was a direct consequence of political and economic development. Theorists of modernisation argued that mediated communication lays the foundation for an informed, politically engaged society, and assists the policy dialogue between citizens and political elites. For example, Lerner (1958) positively conceptualised the media's role as a catalyst of societal development by raising expectations and aspirations, and bringing about a demand-based transition from below. Developmental theories of the 1960s argued that the power of communication may smoothen the difficulties of transitions and modernisation, and contribute the growth of an informed citizenry. (e.g. Schramm, 1964)

⁵ "Mass communication" was defined as "the institutionalised production and generalised diffusion of symbolic goods via the fixation and transmission of information and symbolic content." Source: Thompson, J.: *The media and modernity*, in Mackay, H. & O'Sullivan T. (eds.): *The Media Reader: Continuity and transformation*, 1999

responsibility and the Soviet theories were only modified versions of the libertarian and authoritarian models (1956: 2). As the first attempt to clarify the link between media and political systems, the "Four theories of the press"⁶ had a key impact on mass communication research, and especially with regard to studies of national media systems. Even though the Four theories were developed within the discipline of mass communication research, they have also had a strong relevance to the areas studied by scholars of democratic theory.

Essentially rooted in the US experience, the open models in Siebert *et al*'s classification were "ideal" models, based on prescriptive concepts, which did not necessarily reflect the true nature of the 1950s societies and their media systems. The libertarian model's main aim was to empower the individual and to allow freedom of speech and freedom of expression through full liberalisation of the media market, and a total ban on state interference. In relation to the practical application of this model, it has been observed by many scholars that a market-based media approach has created an environment which is prone to the emergence of oligarchic power. (e.g. McQuail, 1983: 88-89) In other words, the liberal dimension of this model has, in reality, proved to be more dominant than the libertarian dimension – it provided for diversity but not the sort which would necessarily empower the individual citizen. Also, it was never flexible enough to provide a platform for individual freedom of expression.

This was confirmed at the time by the findings of the US Commission on the Freedom of the Press – also known as the Hutchins Commission (1947) – which found that the free market approach within the media sphere had only increased the power of the business elites, and failed to serve the interests of the society-at-large. To resolve the challenges generated by full liberalisation, the Commission recommended a limited state involvement in media affairs to make sure that the public's right to receive balanced information is ensured. Meanwhile, two years later, the Royal Commission of the Press in Britain suggested that the only way to reconcile market flaws with the traditional conception of press freedom is to increase journalistic professionalism. In their recommendations, both agencies urged the adoption of values such as neutrality, detachment and commitment to truth. They also asserted that a structural reform of the media was not necessary, but the implementation of "internal pluralism" principles was unavoidable.

The model, which was encouraged and partially developed in the aftermath of these developments, is what Siebert *et al* call "social responsibility model". This represented an admission by both the state and the media that the principles of external pluralism and freedom of expression are not sufficient to produce democratic public communication. (Siebert *et al* 1956: 73-105) In the US, these ideas were applied through a strict practice of balanced reporting (which became known in broadcasting as the "fairness doctrine"). The idea of a socially responsible media system was implemented more vigorously in Europe. By setting up the institution of public service television, policy-makers strove to balance the rights of the individuals against the needs of society. This occurred simultaneously with the gradual dissolution in most European countries of the strong financial link between political parties and the press. At the same time, some European countries embarked on democratisation measures

⁶ By "press" Siebert *et al* means all types of mass media i.e. television, radio, and newspapers.

within the print realm, such as introducing subsidies, in order to counterbalance the effects of growing concentration. (McQuail, 2000: 151)

The media's contribution to advancing democratisation. In the meantime, an influential group of democracy theorists began to argue that the media's increasing power should be placed under closer scrutiny. The Marxist-dominated Frankfurt School submitted a prominent theoretical critique of the classical liberal conception of the media and their role within societal communication structures. These influential thinkers held that the media are, in fact, part of a capitalist industrialisation of culture, which serves to reconcile people to a dominating social order in a totalising way. In their seminal work, *Dialectic of Enlightenment*, Horkheimer and Adorno (1944 [1973]) argued that the new cultural and communication patterns made systems of social domination more efficient and effective. Using the term "culture industry" instead of "mass communication", they pointed to the commodified nature of culture, and suggested that the culture industry supplied "substitute gratification", while at the same time promoting the cult of personality and other authoritarian attitudes.

Habermas remained within the framework of this paradigm when he designed the concept of the "public sphere" (*Öffentlichkeit*) in his historic contribution, *The Structural transformation of the public sphere* (1962). He claimed that the combination of modern communication patterns and industrialized welfare states of advanced capitalism no longer allow for a universally accessible public sphere to emerge. He suggested that an ideal public sphere *did exist* at the end of 18th and early 19th centuries as a result of the appearance of a market-based press, and the intensification of face-to face public discussions. This sphere served essential functions for the political process by protecting fundamental communication values through allowing *participation* and *representation* for the wider society. According to Habermas, the public sphere collapsed as a result of a mutual interpenetration between public and private spheres and it cannot be reinstalled under the conditions of modernity.

Habermas argued that with the "demise" of the public sphere, its functions are assumed by institutions which can only reproduce it in a distorted form. He suggested that in the course of the 20th century, party politics and manipulation of the media lead to a "refeudalisation" of the public sphere, where representation and appearances outweigh rational-critical debate. By means of these transformations, the public sphere became a setting for state and corporate actors to develop legitimacy not by responding appropriately to an independent and critical public, but by seeking to instill in social actors motivations which conform to the needs of the overall system they dominate. Negt & Kluge (1972 [1993]) further elaborated the problem of participation and representation, and argued for a so-called "proletarian public sphere", set against a more comprehensive "context of living". (Negt & Kluge, 1993: 54-96)

All in all, the Frankfurt School viewed the media as ideological agencies that play a central role in maintaining class domination in Western societies, and their output was seminal in raising awareness about the detrimental effects of mediated communication. Their work contributed to the recognition within empirical communications research that more attention needs to be paid to the influence of the media on the ideological categories and frames of reference through which people view the world. Their criticism brought an additional spotlight to the work of mass

communication researchers, who were already beginning to measure negative media effects.

The media's demonstrated negative effects. In the 1960s, empirical mass communication research broke new ground in our understanding of media-political relations. In stark contradiction to the 1940s "limited effects paradigm,"⁷ Lang & Lang (1966) claimed that there was a clear connection between political programming (and particularly news programming) and public disillusionment with politics. While studying the linkage between media coverage and political trust, Robinson (1976: 425) found that people who rely mainly on television for political information reveal significantly lower degrees of internal efficacy and institutional trust, than those who read newspapers as well. He termed this phenomena "*videomalaise*". Subsequent research by Miller (1979) measured the exact amount of negative coverage any single respondent was exposed to, by linking content analysis data with survey data – thereby confirming the general assumptions of *videomalaise*.

Gradually, the media became directly blamed for a wide variety of effects which fragment and deconstruct the imagined workings of a democratic system. Even though he could not prove causality, Patterson (1993) claimed that the growing scepticism and negativity in US news coverage matched an increasing popular distrust in government and a general disengagement from civil life. Sullivan *et al* (1978) concluded that US citizens' views on certain policy issues are largely dependent on various politicians' presentation techniques, and "framing theory" went as far as suggesting that citizens are incapable of political judgement.⁸ Several scholars reiterated the Habermasian position that the media might impose undesired identities and political preferences, and ultimately lead to an ideological domination in the sense of Gramsci. (Stokes, 1998:136; Przeworski, 1998: 140-160)

At the same time, scholars testing mass society theories rejected the argument that citizens in Western societies were vulnerable to media manipulation by elites, and developed theories according to which the individuals played a more active role in adopting or rejecting the guidelines offered by the news media. They asserted that the news media are more likely to offer a "raw material" for constructing social images and forming political opinions, than to impose their definitions. (McQuail & Windahl, 1993: 9) Despite these findings, the perception remained strong throughout the 1970s and 1980s that the news media are not neutral interpreters of social and political realities, and the actors benefit most from mass communication are the elites. (McQuail & Windahl, 1993: 10)

In Europe, the emerging negative influence of the media was widely thought to be connected to the increasing tabloidisation within the print media, and the rise of

⁷ In the 1940s, Katz & Lazarsfeld suggested that the media have only minimal effects on citizens' political choices. (i.e. the "limited effects paradigm") For details, see Katz, E. & Lazarsfeld, P.F.: *Personal influence*, New York, Free Press, 1955

⁸ The idea of framing first appeared in Goffman, E.: *Frame Analysis*, New York: Harper and Row, 1974. However, Nelson *et al* (1979) provide the best, most comprehensive common definition, one which links framing and deliberation. They see framing as "the process by which a source defines the essential problem underlying a particular social or political issue and outlines a set of considerations purportedly relevant to that issue". In other words, "framing is the process by which a communication source [...] defines and constructs a political issue or public controversy."

commercial broadcasting. (e.g. Dahlgren, 1995) The deteriorating quality of public communication was also blamed on the "mediatisation" of politics and political communication, and particularly the increasingly US-style communication patterns which put the emphasis on style and image. This, as theorists argued, led to an increased fragmentation of the political discourse, the personalisation of the political sphere, and the rise of "media compatible" politicians (the so called "winnowing" effect). Even though little empirical support has been found for the videomalaise theory in Europe,⁹ many theorists argued that Western Europe is undergoing a "crisis of civic communication".

At the same time, many aspects of the media-political relationship have been studied, among them the typology of journalist and audience roles within the political communication system. Jay G. Blumler & Michael Gurevitch identified trends where political governance has become more difficult, public expectations higher, and mass communications more vital. They argued that the relationship between political and media systems are such that they do not contribute to improving the quality of civic communications and the public sphere. The core problem, they argued, lies in the degree of animosity that has developed between politicians and journalists. In their struggle to control the news agenda, political parties have increasingly tailored their messages to journalistic formats, news values and predilections, but at the same time journalists are placing overwhelming emphasis on their watchdog role, producing increasingly negative coverage of politicians. (Blumler & Gurevitch, 1995: 45-58)

Media power. The news media were found to have a high potential to generate centrifugal effects within society by creating unsustainable and/or irreversible divisions. At the same time, along the lines of the Marxist argumentation, several influential books discussed the issue of "media power" (Paletz & Entman 1981, Graber 1984, Altheide 1985) offering imperative insights about the way political messages are constructed and manipulated. An increasing number of ideologically-detached scholars have argued that there is a visible trend in the direction of greater media influence, particularly in relation to the political system. Nicolas Garnham, for instance, wrote that the institutions and processes of public communication should, in fact, be considered a central part of the political structure and process. (1986: 37-38) Further, he argued that changes in media structure and media policy are hardcore political questions, and their importance is as high as basic questions such as proportional representation, subsidies to political parties or relations between national and local governments.

Another important contributor to the debate was Marshall McLuhan, who considered that theoretical discussions on the role of the media were too narrowly focused on media content and meaning, i.e. on the media's message carrier function. He argued that the media should be seen as technologies which extend a particular human sense or faculty. The real message of any medium or technology should be thought of as "the change of scale or pace or pattern that it introduces into human affairs." Through his celebrated argument "the medium is the message", he depicted the development of global communications networks, which he claimed would be the ultimate "extension of man". (McLuhan, 1964: 7-22) The British scholar Raymond Williams (who once famously said that "we have never as a society acted so much or watched so many

⁹ Norris, P. (2000: Conclusion, pp. 5)

others acting”¹⁰) provided an in-depth exploration of the institution of television, with the intention of refuting McLuhan’s arguments of technological determinism. Williams (1974) situated television and its effects within a critical sociology of society as a totality, and emphasised the problematic nature of generating accurate results of media output. Meanwhile, Jean Baudrillard described the mass media as a “speech without response” and argued that they “fabricate non-communication” (1988: 207).

Media and free markets. In parallel to the partial liberalisation of Europe’s broadcast markets in the past three decades, critics across the US and Europe argued that competitive economic markets do not automatically supply “public goods” such as an informed citizenry, and they do not lead to more democratic participation (Keane 1991, Tunstall & Palmer 1991). In their criticism of the libertarian model, John Keane and James Curran argued that the free market compromises rather than guarantees editorial integrity, and that the libertarian ideology, based on the freedom of individual choice, is a “justification of the privileging of corporate speech and of giving more choice to investors than to citizens”. (Keane 1991b: 89, Curran, 1991a: 87) Curran suggested that the media have become a “battleground between contending forces” (Curran 1991(b): 29) and the balance between social and political forces is dependent on the mode in which the media mediates conflict. Meanwhile, many other scholars joined this debate, stressing the dangers arising from media concentration and under-regulation both in the Western world (e.g. Chomsky 1988, Boggs 1997, Murdock & Golding 1995) and in the post-communist context (see for instance the writings of Gálik).

These discussions provided an early warning for post-communist policy-makers that there seems to be no correlation between the level of liberalisation and the quality of public communication, which makes the adoption of a comprehensive democratisation policy unavoidable. It has been argued that in countries with weak oppositions and weak civil societies, a liberalisation-only policy would lead to an elite monopoly over the public and policy spheres, which – in terms of its effects on society – could be as negative as the Soviet or authoritarian models. The Council of Europe has established in many of its recommendations that liberalisation alone is not a solution to achieving media freedom, while Downing, argued that media liberalisation without a degree of democratisation in the social and economic spheres is a “recipe for disaster” as the reform processes lead to the emergence of chauvinistic social movements, continued elite control and ethnic confrontations. (Downing, 1995: 18)

The continuing “public sphere” debate. Following the 1989 translation of Habermas’ seminal work to English, there was a new wave of scholarly efforts to propose ways of democratising the public sphere, and its central instrument, the media. In this debate, scholars emphasised the public sphere’s potential to contribute to the consolidation of democracy, and established that the structure and operation of the public sphere, and thus the media system, directly impact on the society’s character and are thus most visible indicators of the level of democratisation. (e.g. Garnham 1986, Calhoun 1992, Price, 1995, Benhabib, 1996, Cohen & Arató, 1998, Dahlgren 1995, 2001, Gross 2001) Most public sphere theorists shared Habermas’ conclusion that the media have gradually ceased to be agencies of empowerment, and despite the

¹⁰ Raymond Williams’s inaugural lecture as professor of drama (1974)

technological advancement, publics continue to be marginalized. They also asserted that modern patterns of communication generate a key conceptual contradiction that forever maintains the imperfection of a democratic system, and agreed that the creation of an ideal public sphere is, in fact, one of the ultimate challenges of democracy. The theorists argued that free distribution of information (independent of both political and economic pressures) was critical to the quality of democracy.

Scholars also launched a debate on the public sphere's structure and organisation,¹¹ proposing that the more democratic the media structures (and the more those fit the conception of democracy in a particular country) the more it will allow for societal participation and representation in the political process, thereby improving the overall quality of democracy. (e.g. Gurevitch & Blumler 1990: 270, Keane 1991a, 1991b, Curran 1996) There was also renewed discussion on how the public sphere can be defined best. Calhoun wrote that the importance of the public sphere lies in its potential as a mode of social integration, and that the contemporary public discourse – and what Habermas later and more generally calls “communicative action” – is a possible mode of coordination of human life (as are state power and market economies). (Calhoun, 1992: 1-51) Bennett & Entman understood the public sphere as “any and all locations where ideas and feelings relevant to politics are transmitted and exchanged openly” (2001: 3), while Habermas himself also redefined the concept and calls it a “myriad of distinct, but also overlapping, interweaving communicative spaces.”¹²

The above discussions slightly adjusted the debate over the media, transferring the focus from identifying the negative functions to finding ways of how the fundamental communication values could be met under late 20th and early 21st century conditions. Public sphere theorists argued that mediated deliberation may resolve some basic dysfunctions of democracy, and the media-provided communication space offers a way to address problems which have occurred as a result of the ambitious ideals and promises of participatory democracy. They do not claim that the democratic use of this space is without challenge but they are optimistic that “participation” and “representation” values are not obsolete, or impossible democracy ideals after all. The terms “information society” and “knowledge society”, which have entered the public discourse in recent years, indicate the presence of these concepts even in governmental thinking. This is something we have to internalise within this research project, as according to the different interpretations of the “public interest”, these concepts may be defined differently.

While advocating the need for a “radical democratic media theory”, Keane and Curran argued that the media system should be thought of as an agency of empowerment, and its most important role should be to represent all significant interests in society. (Curran, 1991b: 29) As an agency of representation, the media was defined as an institution which assists the “equitable negotiation or arbitration of competing

¹¹ For example, one important point of debate around the “ideal” modern public sphere has been whether societies should strive for one unifying, or several multiple spheres. Garnham (1992) and Sparks (2001) argue in favour of an overarching, unifying space which creates a communicative forum that is, at least in principle, all inclusive. Meanwhile, Dahlgren (2001), Fraser (1992) and Verstraeten (1996) insist that the existence of several alternative public spheres and sub-spheres should be acknowledged. Gitlin claims (1998) that the global tendency is a moving away from coherent public spheres, and toward increasingly isolated and fragmented “public sphericules”.

¹² Habermas, J.: *Between Facts and norms*, 1996, MIT Press

interests through democratic processes” as well as “the realisation of the common objectives of society through agreement or compromise between conflicting interests.” (Curran, 1991a: 103-104) They conceptualised the media as a “complex articulation of vertical, horizontal and diagonal channels of communication between individuals, groups and power structures” (Curran 1991(b): 29-31), and suggested that the central role of the media should be the facilitation of the two key communication values. They pointed to the fact that the “watchdog function” as defined by classic liberalism is no longer appropriate, arguing that this conceptualisation derived from a period where the media were highly politicised and where societal interests and communication channels were less sophisticated.

The “fourth estate”. This also advanced the conceptual clarification of the “fourth estate” terminology. The term is reputed to have been coined by Edmund Burke in late 18th century England to refer to the political power possessed by the press, along with the three other estates of power in Britain – the Lords, the Church and the Commons. (McQuail, 2000: 147). In the libertarian tradition, it was used with the underlying assumption that the media was a constructive influence on societal developments, without the potential to effect harm. In the US, the media’s fourth estate function grew out of a 19th century perception that the media are a fully representative institution, equally as powerful as the judiciary, executive or legislative branch of the state. Through the 20th century, this premise gradually acquired a commercial meaning: media freedom is now thought to be guaranteed by full private ownership, and the media system has become a primary institution of consumerism, i.e. the representative of the buying public. Meanwhile, in the European tradition, the “fourth estate” concept has remained a social-political concept, and is used to refer to the media’s function to represent societal interests. It incorporates the idea of the fundamental communication values – *participation* and *representation* – as advocated by Habermas and other theorists of the Marxist tradition.

2. RESEARCH METHODOLOGY

2. 1. National media systems as units of analysis

The primary aim of this thesis is to gather and organise empirical material in a structured manner, in order to contribute to the media democratisation debate with comprehensive country studies. The case studies were chosen for their potential to demonstrate the complexity of the media reform challenge, and to illustrate the qualitative diversity in the process of post-communist media reform. The countries have been picked according to the logic of the “most different systems” theory (Przeworski & Teune, 1970 [2001: 34-39]). While the thesis was not designed with comparative methodology in mind, it is hoped that while examining the results of the media reform process in three very different countries, any commonality found may reasonably be assumed to hold generally for the whole region.

Studies involving more than one post-communist country have already been performed. Some of them are separate country studies (Price, Rozumilowicz & Verhulst, 2002) and a recent study commissioned by the South East European Network for Professionalisation of the Media (entitled “Media ownership and its impact on

media independence and pluralism", Peace Institute, Ljubljana, 2004) also provides national case studies, each with a different focus. Meanwhile other studies have aimed to be integrative and comparative. Downing (1995) for instance conducts what he calls a "triangular analysis" (assessing the linkage between political-economic and cultural-mediatic change, the adequacy of applying existing media theories on post-communist media research, as well as the relevant debates within political science) studying the media reform process in Russia, Poland and Hungary. His study compares the three countries according to themes, such as the role of culture and communication in the communist system, the political and economic dimensions of transition, and the post-system change media structures.

At the outset, therefore, the question did emerge about whether these case studies should be performed in a comparative manner. A comparative study could take the form of a longitudinal study examining previous historical periods or levels of development, or of binary assessments aiming to underscore similarities and differences at the structural level of compatibility. Irrespective of whether it applies a "most similar" or "most different systems" design (Przeworski & Teune, 1970 [2001]: 34-39), a comparative study in this field could work with empirical data that can be weighted for assessment and comparison. Most comparative researchers in this field work with existing data from the World Bank, UNESCO, OECD, and Freedom House, which they weigh to assess concepts such as the state of "media access" and "press freedom". Norris, for instance weighted these data against the backdrop of good governance and human development indicators. (Norris, 2000, 2004)

However, if the research were to apply this strategy, the scope of the study would have to be restricted to a small number of dimensions in order to achieve "comparative sufficiency". (Gurevitch & Blumler, 2004: 333). Given that the aim of the thesis is to provide as wide a picture as possible about the media reform process, this requirement has discouraged the application of a fully comparative framework. It was also considered that a comparative approach in such vastly different units of analysis would make it very difficult to illustrate the cultural complexity and richness in detail which characterises this field of study. Instead it was accepted that this research serves a different academic purpose altogether, and its main goal is to contribute to the literature on single case studies. At the same time, it was hoped that the results which emerge from these case studies could in the future feed into other studies, whether empirical or theoretical.

The decision to perform single case studies was also encouraged by the position advocated by Blumler & Gurevich, according to which "comparative research will never replace and could never substitute for in-depth studies of the communication systems of single societies" (1995: 81). What also encouraged this choice was the current gap in comprehensive descriptive assessments of the structural and cultural conditions of post-communist media change (especially in relation to Ukraine and Kosovo). In addition, it was also inspired by the mushrooming of issue-based, in-depth country studies by international think tanks and institutions, which are used by Western democracy assistants to decide on cooperation initiatives and funding.

Depending on the perspective, the post-communist region can be divided into several broad categories – for example on the basis of democratisation and modernisation results, or on the basis of the history of societal and ethnic conflict. In the

past, different categorisations have been drawn up by several theorists (e.g. Balcerowicz, 1995, Gáti, 1996, Schneider, 2002) as well as think tanks such as Transparency International and Freedom House. For the purposes of this research, I have divided these 27 countries into three categories, depending on the typology of the transition, and the roles the media have been accorded in the post-1990 period. The following is, naturally, only a rough guide, but it aptly demonstrates why the choice of Hungary, Ukraine and Kosovo is appropriate.

Table 1. The post-communist region & the state of the media democratisation process

Strong states in advanced state of transition – Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia

Weak states in early stage of transition – Albania, Bulgaria, FYR Macedonia, Romania, Moldova, *Ukraine*, Russia¹³, Kazakhstan, Kyrgyz Republic

Countries with a history of armed conflict or strong repression – Armenia, Belarus, Bosnia-Herzegovina, Croatia, Georgia, Azerbaijan, Tajikistan, Turkmenistan, Uzbekistan, *Federal Republic of Yugoslavia*

The *first category* lists the region's most advanced countries, which happen to coincide with the 2004 entrants into the European Union. These countries have produced relatively good media democratisation results. In this category, the most widely discussed problem is the organisation and funding of public service broadcasters. Despite its success in building institutions, Hungary has produced the worst relative media democratisation results in the group. Based on data from the Freedom House Press Freedom index,¹⁴ Hungary has scored worse than the average of its group in the last ten years. The *second category* includes countries that have not experienced severe armed conflict but the economic hardships and/ or political authoritarianism have kept the media under repression. The main media democratisation

¹³ Despite Russia's serious armed conflict with Chechnya, it has not been placed into the third group because the conflict has not spread so much across the country that it would have changed the media and political landscape irreversibly.

¹⁴ Even though far from scientific, Freedom House's press freedom index provides an opportunity to compare media systems worldwide. The annual "Press freedom survey" (PFS) is a universal index, examining most aspects of the media environment – such as media-relevant laws and regulations, the government's attitude, the legal and constitutional guarantees for freedom of expression, the potentially negative aspects of security legislation, the penal code and other criminal statutes, penalties for libel and defamation, as well as registration requirements for both media outlets and journalists. The PFS also evaluates the degree of political control over media content, i.e. access to information and sources, editorial independence, official censorship and self-censorship, the ability of the media to operate freely and without harassment, and the intimidation of journalists by the state or other actors. Finally, the survey examines economic pressures on the media, which include the structure of media ownership, the costs of establishing media outlets as well as of production and distribution, the selective withholding of state advertising or subsidies, official bias in licensing, and the impact of corruption and bribery on content.

problems here include freedom of expression, journalistic safety and the extensive censorship and corruption. Ukraine's press freedom – as documented by Freedom House – showed a worsening trend between 1994 and 2002. The *third category* includes conflict-ridden societies and countries where government repression has been strong and civil societies have been unable to strengthen. Having undergone the most radical Western-assisted media democratisation process in the whole world, the experience in Kosovo is the most extreme of all cases in the group. The media played a crucial role in the liberation fight, and the state of the media is equally as sensitive in the currently ongoing nation-building process.

These three countries genuinely differ in their initial conditions. They belong to different historical-cultural regions of the post-communist world, and experienced system-change in a starkly different manner. In Hungary, there was a negotiated revolution, in Ukraine, system-change was a result of the Soviet Union's collapse, while the Kosovars fought an armed revolution for their independence cause. The transition paths have been equally as diverse – while the Hungarian economic and societal climate has been relatively conducive for democratic transition, the political transformation in Ukraine and Kosovo has been challenged by linguistic, ethnic, and cultural heterogeneity, as well as weak economic performance. Only a limited amount of comparative data can be found for the three cases, but this well illustrates the differences in terms of overall press freedom and public access to the media.

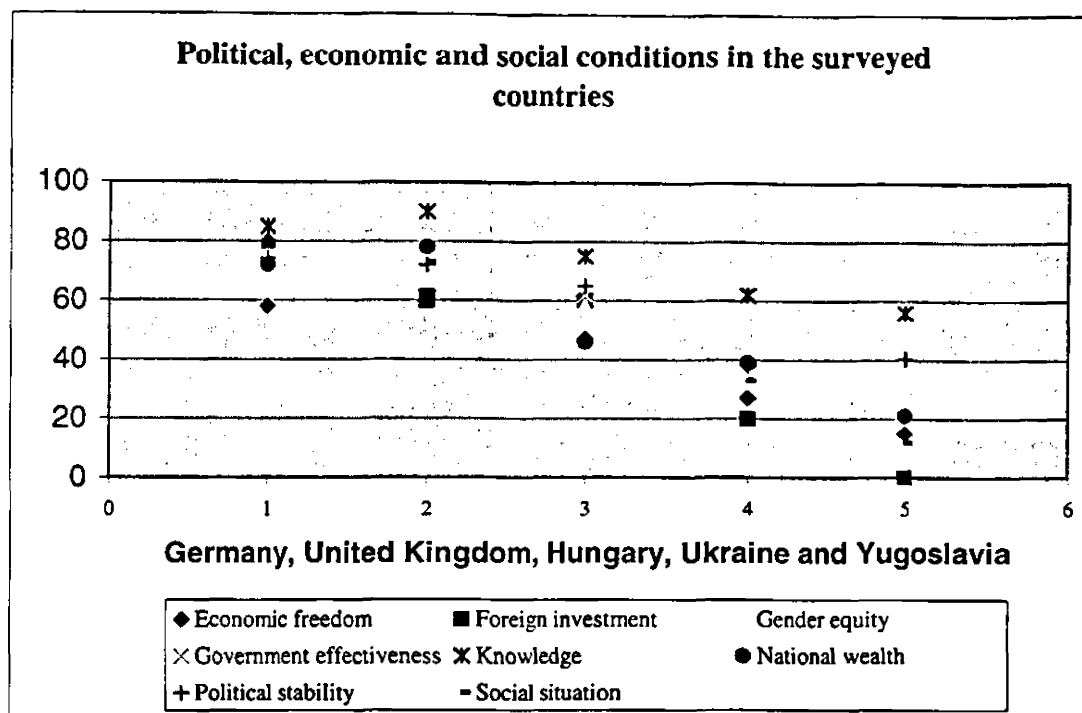
Table 1. Communication index for Hungary, Ukraine and Kosovo (Yugoslavia)

	Hungary	Ukraine	Kosovo (Yugoslavia)
1. Freedom House Press Freedom Index (2000)	70	40	19
2. Newspaper penetration (per 1000 inhabitants) (1996)	186	54	107
3. Radios per 1000 inhabitants (1997)	689	884	297
4. TV sets per 1000 inhabitants (1999)	448	413	273
5. Internet access as % of population (2000)	4.96	.29	.94
Media access aggregate (2-5)	27	29	13
Communication index (1-5) weighted	100.7	58.3	21.5

Source: Norris, P. (2004): Global political communication: Good governance, human development and mass communication, pp. 136-144 (The higher the communication index, the more democratic the media system.)

On a more general level, the countries starting conditions can be illustrated according to the following indexes.¹⁵

Table 2. Political, economic and social conditions



In all three countries, the media have had an important historical role – they were key instruments of national independence movements by providing an institution around which political and national identities could be imagined. Hungarians, Ukrainians and Kosovar Albanians could not have achieved the sovereignty they have today without exploiting the nation-building power of mediated communication: Hungary's independence from the Habsburg empire, Kosovo's move towards independence in Tito's and Milosevic' Yugoslavia, and Ukraine's campaign for

¹⁵ The following indexes have been used to create this graph: 1) the Economic Freedom Index (Heritage Foundation and Wall Street Journal); 2) the Foreign Investment Index (Heritage Foundation and Wall Street Journal); 3) the Gender Equity Index (Robert Prescott-Allen: The wellbeing of nations – A country-by-country index of quality of life and environment., 2001); 4) the Government Effectiveness Index (Source of this description: Kaufmann & Kraay & Zoido-Lobaton (2002). Policy Research Working Paper 2772, The World Bank Development Research Group and World Bank Institute Governance, Regulation and Finance Division; 5) the Knowledge Index (Robert Prescott-Allen: The wellbeing of nations – A country-by-country index of quality of life and environment., 2001), the National Wealth Index (Robert Prescott-Allen: The wellbeing of nations – A country-by-country index of quality of life and environment., 2001); 6) the Political Stability Index (Kaufmann & Kraay & Zoido-Lobaton (2002). Policy Research Working Paper 2772, The World Bank Development Research Group and World Bank Institute Governance, Regulation and Finance Division; and finally 7) the Social Index (The World Travel & Tourism Council (WTTC). To make them comparable, the indexes have been transformed to 1-100 point scales.

independence after the fall of the Soviet Union were all closely linked to the performance of their national media. At the same time, due to the differences in their respective 20th century political history, the three countries exhibited very different institutional legacies with regard to the quality and structure of their media systems at the outset of system-change. In addition, media democratisation had been supported by the existence of some form of alternative, second societies in Hungary and Kosovo, while this is less characteristic of Ukraine.

But another commonality that these countries undoubtedly share is that during the communist era, the media functioned largely according to the communist media theory, as described by Siebert *et al* (1956: 105-147). The idea of public service broadcasting was widely promoted under the communist rule (i.e. "state" or "national" broadcasting), but existed only in a distorted form. The heavy dumping of information and cultural programming was only a façade over the hidden and overt political manipulation by the government. The state channels were a mouthpiece of the communist state, manipulating the public through continuous propaganda. Censorship and self-censorship were the order of the day, and journalism was carried out in accordance with the functional needs and methodologies of the communist party and its ideology. Mobilisation, indoctrination and persuasion were all basic functions under the centralised and hierarchic communist media policy.

The main drawback of this approach is that it does not provide an opportunity to thoroughly compare the three cases. (However, I discuss later on why a comparative research design was not chosen.) At the same time, a key positive is that by treating the national media systems as separate units of analysis, we will be able to take brief detours when necessary to explore particular themes. In the case of Hungary, we can spend more time on the disputed concept of the "media equilibrium", in Ukraine, on the Gongadze case and evasive corruption, and in Kosovo, on the impact of inter-ethnic tension on the emerging democratic media system.

2. 2. Toward a theoretical framework

Choosing the most suitable theory for such case studies has not been easy as theories offered by political communication research or transitology would have either restricted the scope of the research or would have limited the flexibility of the researcher. The relatively narrow choice of possibly applicable theories is due to different "problems" within the two disciplines.

For its part, mass communication research has experienced major problems as regards theory testing and theory development. In a systematic content analysis, Bryant & Miron concluded (2004) that in the latter half of the 20th century, only every third research in mass communication contains theory, and as many as 48% of these studies use theories only as references. In addition almost half of all theories have been borrowed from other, non-communication disciplines. (Bryant & Miron, 2004: 664-666) In particular, the output of the Frankfurt School, the Vienna Circle, British Cultural Studies, and the Chicago School have been found to be rarely integrated into academic research projects as the subjects of critique or support, and even less so as an overall theoretical framework. (Bryant & Miron, 2004: 671)

The problems in the theoretical evolution of mass communication research are thought to be connected to the changes in the processes, effects, systems and institutions which are in the focus of investigation. These include among others the new forms and styles of media, the changing ownership patterns, as well as the altering consumption habits. Writing about the narrower field of political communication research, Gurevitch & Blumler argued along the same lines when they contended that conceptual frameworks in this strand of research are "almost never critically discussed after publication". (2004: 339-340) These show that any research in the field of post-communist communication will most likely be handicapped with regard to its theoretical perspective.

Meanwhile, in the area of democratic theory and transitology, the researcher faces another, although slightly different problem. Given that the field of media and communication has not traditionally been a focus of this field, it is difficult to identify theories which might be applicable in this context. The "Third-wave" transitology research has offered a wide array of approaches and conclusions with regard to the post-communist transition process (e.g. Di Palma, 1990; O'Donnell, Schmitter, & Whitehead, 1986; Przeworski, 1991, 1995; Schmitter & Karl, 1994), but nearly all influential works on democratisation between the 1970s and the early 1990s were preoccupied with discussions on political institutional perspectives,¹⁶ and failed to deal with policy-making in the sphere of the media.

This occurred despite the fact that the media had been directly or indirectly referenced within "minimalist" democracy definitions, and the fact that most prominent authors have made references to the media in some form. As early as in 1942, Schumpeter wrote that "a considerable amount of freedom of the press" must exist for the democratic electoral process – or what he calls "the democratic method" – to work.¹⁷ Meanwhile, Sartori (1987: 98, 110) asserted that "an autonomous public opinion [...] and a polycentric structuring of the media and their competitive interplay" are necessary conditions for democracy. Huntington (1991: 7) stated that democracy "implies the existence of those civil and political freedoms to speak, publish, assemble, and organise which are necessary to political debate and the conduct of electoral campaigns".

Meanwhile, Dahl's "polyarchy" (1971: 3, and 1989: 221), one of the most widely accepted minimalist definitions, also directly lists "freedom of expression" and "alternative sources of information" as necessary conditions for democracy. His seven requirements represent a set of institutional arrangements which permit public opposition and establish the right to participate in politics. Although not directly, his work also suggests that a political system can be labelled *polyarchy* only if an enabling environment exists for citizens to practice their right to freedom of expression and their right to alternative sources of information. His mentioning of "free and fair elections"

¹⁶ The long list of influential volumes includes: O'Donnell, G. & Schmitter, P. & Whitehead, L. (1986): *Transitions from Authoritarian Rule*, 4 vols., Baltimore, Johns Hopkins University Press, 1986, Linz, J. & Stepan A. (1996): *South America and Post-communist Europe*, Baltimore, Johns Hopkins University Press, Di Palma, G. (1990): *To Craft Democracies: An Essay on Democratic Transitions*, Berkeley UC Press. More recent volumes such as Dawisha & Parrott (eds.) (1997): *The consolidation of Democracy in East Central Europe* do not provide such analysis either.

¹⁷ Schumpeter, J. (1942): *Capitalism, Socialism, and Democracy*, New York: Harper, 1975, pp. 271

also implies the need for a democratic media environment. References to the institution of free and democratic media have also been incorporated into some civil society theories (Linz & Stepan, 1996, Lipset 1993, Arató & Cohen, 1992).

Let us now explore the potential of a “consolidation of democracy” framework. Democratic consolidation has been generally perceived to require a wide-scale consensus about the basic norms of a multi-party parliamentary democracy, where no significant social groups challenge the system, and where the political elites and the citizenry are committed to the basic norms of democracy. Scholars perceive a democratic regime as “sufficiently consolidated” when it is able to “survive and remain stable in the face of such serious challenges as major economic and international crises.” (Gunther et al 1995: 8). O'Donnell defined democratic consolidation as a stage when all seven elements of Dahl's *polyarchy* have been institutionalised, and are thus likely to endure. (1996: 37)

The consolidation phase, according to Schmitter & Browner (1999), occurs in the latter phase of “democracy protection”, which follows a period of “democracy promotion”. The concept has also been understood as the process completing regime change by stabilising the “behavioural” and “attitudinal” foundations of democracy (Linz & Stepan, 1996). Linz & Stepan also argue that consolidation does not contain within itself a promise of irreversibility when they posit that consolidation means that such a breakdown would not be related to the weaknesses or problems specific to the historic process of democratic consolidation per se, but to a “new dynamic in which democratic regime cannot solve a set of problems [...]” (1996: 6)

While initially the consolidation approach seemed like a fruitful possibility, the scholarly debate over the basic definitions and conceptualisations has made the researcher cautious about the application of this perspective. The weakening of the “transition paradigm” (Carothers, 2002) for the democracy promotion work by Western governments has rendered it more difficult to evaluate the post-communist media reform around a set of quantitative or qualitative indicators adopted from democratisation research. But despite this assessment, several such studies *have been* concluded in the past, and have provided valuable results particularly in single country case studies. Many authors have remained close to the work of transitologists and designed a framework embedded in the terminology and conceptual design of democratic consolidation studies.

For example, Price & Krug (2000) and Bajomi-Lázár (2003) designated a series of benchmarks to measure the consolidation of democratic media systems. Other authors operationalised the process of media reform by designing stages within which the reform process can be imagined and assessed. Jakubowicz (1999) used Brzezinski's three-staged model of post-communist societal transformation to draw up the corresponding stages in the overall media reform process.¹⁸ Meanwhile, Rozumilowicz

¹⁸ Stage 1 would include media de-monopolisation and decentralisation, and the internationalisation of television content; Stage 2 would include new media legislation, continued commercialisation and decentralisation, the emergence of early signs of journalistic professionalisation, while Stage 3 would involve the development and consolidation of legal frameworks, and the emergence of challenges arising from technological changes, globalisation and media concentration. Source: Jakubowicz (1999)

(2002) designed four stages of transition, closely mapping the stages of democratic transition proposed by O'Donnell *et al* (1986) or Linz & Stepan (1996).¹⁹

For a framework to assess the consolidation of media freedom, one could also turn to the so-called five “major arenas of democracy” put forward by Linz & Stepan (1996). These are a flourishing civil society, political society, the rule of law, a strong state apparatus, and a strong stable economic society. One could also imagine a “consolidation” framework through the operationalisation of the three basic communication values, such as freedom, justice/equality and order/solidarity (McQuail, 1992), or perhaps through taking into account some proposals on how to ensure these values (Keane 1991, 1993; Murdock & Golding, 1989)

One can also study consolidation by assessing the development of media equality on the basis of “access”, “diversity”, and “objectivity”, as recommended by McQuail. (2000: 166-170) In addition, the researcher may refer to the concepts of media access, recognition and responsiveness (Bennett *et al*, 2004), or use the “enabling environment” framework, as suggested by Price & Krug (2000). This could be particularly useful as it designs a “structure neutral” series of benchmarks, founded on universally recognised principles (and mostly feeding from the output of the Council of Europe and the European Court of Human Rights), which should be satisfied in all countries to achieve the basic level of media freedom.

These indicators could be used to create a comprehensive framework to study the media reform process in transition, or even – if operationalised well – as framework for comparative analysis. However, these framework might be more adequate for a “most similar systems” analysis. In case of the three single case studies that are proposed here, the above frameworks either do not contain explicit guidelines for an adequate operationalisation (i.e. access”, “diversity”, and “objectivity” approach), or would stretch the length and the scope of the research beyond its assigned limits (i.e. five “major arenas of democracy” approach).

What further complicates matters is that – in the context of this thesis – the term consolidation might be too mature and optimistic a perspective for two out of the three cases. Using a “consolidation of media freedom” or “consolidation of democracy” perspective is rendered difficult by the fact that a) it would designate the research an assumption that democratisation in the overall political process is irreversible, and b) it would automatically establish the need to differentiate between subtypes/ or degrees for the concept of democracy (to avoid conceptual stretching). Placing the process of “media reform” into the focus of research however, avoids these pitfalls as it only designates a process which moves a country toward a more democratic setup, without suggesting what the end result might be.

Thus it was concluded that these frameworks offer considerable merit but fail to guarantee the flexibility that is considered necessary. Also, they do not see the need to offer a more realistic conceptualisation of the relationship between political elites and the media, and usually do not consider the perspective of balancing out political interference between different segments of the media system. And finally, the above

¹⁹ Her four stages are as follows: pre-transition stage, primary transition, secondary stage, late or mature stage. Rozumilowicz (2002: 17-23)

frameworks do not automatically provide for a transitional period, the importance of which is seriously considered in this discussion.

This choice is supported by the fact that several consolidation perspectives have been found to restrict the potential of analysis when it comes to deviations from the assumed transition sequence. Carothers argued that “the options are all cast in terms of the speed and direction with which countries move on the path, not in terms of movement that does not conform with the path at all.” (Carothers, 2002) Schedler asserted that behavioral evidence overshadows both attitudinal and structural factors (2001), and argued that establishing empirical degrees of democratic consolidation “is not just a matter of observation, but of prospective reasoning. (2001: 67) Let us now move onto a completely different dimension – the possibility of using a Western benchmark as part of a comparative analytical framework.

The “Western media system” as a benchmark. Any attempt to find a comparative reference point in Western Europe, as part of the theoretical framework, is complicated by the fact that Western media systems are extremely diverse. In Western Europe, the 1960s and 1970s witnessed the erosion of partisan media support for political elites, as traditionally party-oriented newspapers gradually distanced themselves from political elites and developed closer links with the public. At the same time, Western European broadcast media systems were designed as dual, public-commercial systems, largely according to “social responsibility” theory (Siebert et al, 1956). Compared to the US system, external and internal pluralism is provided for in the following manner in Europe:

	External pluralism	Internal pluralism
European practice (social democratic/ liberal)	Main reasoning behind liberalisation of market	Its assurance is the mandate of PSBs, but only small number of independent newspapers offer pluralism of political ideas
US practice (libertarian/ liberal)	Expected to be created by free market, and found in overall market	Principle of balanced reporting within newspapers (fairness doctrine for broadcasters was abandoned in the 1980s)

Some aspects (e.g. the legal status and remit of the public service broadcasters) are remarkably similar in different member states of the European Union, but this is where similarities end. By today, significant discrepancies have developed with regard to most areas of media policy, as well as patterns of media consumption.

First of all, there are wide disparities between national regulatory models and methodological frameworks depending on the nature of media policy goals and public definitions of the media. There are also significant differences in the methods used for assessing and monitoring PSB performance, in the approaches to programme regulation, and the systems of categorizing programmes into genre specific classifications. Some countries have left the commercial sector unregulated in terms of public service

requirements, while some countries stipulate obligations to provide a minimum service in various programmes (e.g. UK, Norway, Denmark, France).²⁰ There are also differences between media concentration patterns, management board appointment systems, and subsidizing trends.

Another characteristic of the European media landscape is that the European institution of public service broadcasting, and through that an important part of the *democratisation* element, has been seriously challenged in the past two decades by technological changes, increasing liberalisation, as well as globalisation trends. Public broadcasters in Europe are in a difficult situation: not only that there is fierce competition from commercial channels but there are also severe problems of funding. Heavy pressure is being exerted on public broadcasting organisations by governments, political parties and the general public to reduce costs and increase efficiency. These have drastically altered the structure and basic conceptual foundation of PSBs. Stations that had a 100% market share a few decades ago today achieve market shares in the 20 to 40% range,²¹ and the efforts to solve the crisis have led to a curtailed legitimacy.

Depending on the country, the governments and PSBs are finding different solutions to the difficulties. In larger countries – in particular in the UK and in Germany – the PSBs are active in developing strategies for digital television and the internet. Their modernisation efforts are paralleled by a strong need to realise higher efficiency and lower costs. In other countries, these initiatives are restricted in scope and ambition. In a third group (comprising particularly smaller and relatively poorer nations) the broadcasters are still at the beginning of a process of reorientation.²²

Overall, Western European national media legislations show different ambitions and trends with regard to the regulation of the relationship between the PSB and the political establishment. The region can thus be divided into four broad clusters:

- (a) Countries with loose media legislation, due primarily to a strong democratic tradition (e.g. UK, Norway, and Sweden);
- (b) Countries where despite the complicated interconnections between the media and political realms, the rules of the game are clear and respected (e.g. Germany and France);
- (c) Countries where both media regulation and its interpretation are flexible (e.g. Portugal and Spain);
- (d) Countries where the mass media are largely under the control of political and/ or economic elites (e.g. Italy and Greece.)²³

There are also significant differences as to the size and ambition of the public service operation – in most countries, there are 2 or 3 public channels, in some there is only one (Luxemburg), while in Germany, there are 14. The same applies for the their funding arrangements (i.e. the proportional breakdown of license fees, public funds, advertising and other funds). While in some countries the main income of the PSBs is

²⁰ "A Comparative Analysis of Television Programming Regulation in Seven European Countries: A Benchmark Study", Report by the European Institute for the Media, 2002

²¹ Ibid.

²² European Institute for the Media, "Perspectives of public service broadcasting in Europe", 1998 report

²³ Cseh G. & Sükösd M. in Media Law and Media Politics in Hungary. Volume I. pp. 46-47

through license fees (Sweden, Greece, Finland, Germany, UK), in others it is public funds (Netherlands, Portugal, Spain). While most countries apply a mixed system of financing, some practically do not allow the application of license fees (Netherlands), some do not allocate direct public funds (Ireland, Denmark), and some ban advertising altogether (Sweden).²⁴

Consequently, there is also a wide gap between the quality of programming and the overall broadcast profile of the various national PSBs. A report on public service broadcasting prepared for the Council of Europe's Parliamentary Assembly in 2004 argued that PSBs can be differentiated in terms of their organisational structures to possess:

- a) "integrated" structures where the PSBs controls every area of audiovisual activity, e.g. UK, Spain, Italy;
- b) "federated" structures by region, in which the integrated model but has been decentralised to reflect the country's political organisations, e.. Germany;
- c) "fragmented" structures, in which the different elements of the PSB is controlled by one or more separate public operator.

Politically speaking, the report differentiates PSBs according to their institutionalised relationship with governing elites (formally autonomous systems, politics-in-broadcasting, politics-over-broadcasting). It also cites the conceptualisation put forward by the French Audiovisual Council which separates PSBs into "Anglo-Saxon" (Uk, Germany) and "Latin" (France, Italy, Spain) types, according to their method of funding and degree of independence. Finally, a *McKinsey & Co.* study on public service broadcasting (1999) divided PSBs into three groups based on their programme profiles, tuned either to increase market share, or focus on providing distinctive programming. (It is this classification that we will use in this thesis.)

FIRST CLUSTER – *Focus on distinctiveness over market share.* (e.g. the American PBS and ABC) These PSBs have only a limited audience share, and therefore little impact on political discussion in general.

SECOND CLUSTER – *Focus on market share over distinctiveness.* (e.g. the Italian RAI and the Spanish RTVE) These PSBs have the potential to reach large audiences, but given that their operations are market-based, the quality of programming is similar to that of commercially funded operators.

THIRD CLUSTER – The third cluster tries to reach *some form of equilibrium between these two.* (e.g. Sweden's SVT and Germany's ARD) These PSBs have a significant audience share while maintaining a distinctive approach and fulfilling their public service remit.

²⁴ "The European TV broadcasting market", EUROSTAT publications, Statistics in Focus is series, Theme 4 – 24/ 2002.

Most European PSBs are in the second cluster, and only few countries can afford to have an efficient, third cluster public service broadcaster. Thus few are fully compatible with the Council of Europe's recommendation, which asserts that public service broadcasting should avoid direct competition for higher audience ratings to the detriment of programme quality.²⁵ As a result of the combined effect of different cultural settings and regulatory frameworks, audience structures look very different. In some countries, audiences have a clear preference for the PSB (Denmark, Ireland, UK), while in others, the PSB is hardly watched (Greece). The societies also seem to be different in terms of their interest in print media material. Newspaper penetration figures suggest wide discrepancies between reader numbers in different EU countries. The Scandinavian countries have on average five times higher *per capita* circulation figures than Portugal, Greece or Italy.²⁶

In light of the historical, cultural and institutional differences between Western European media systems, it is not surprising that post-communist governments have been somewhat confused about the "best European practice". This was coupled with the fact that the European Union, which is the most important strategic partner to post-communist countries, has remained fairly vague about its media-related conditionality criteria. No guidance was provided about questions of systemic substance, and the EU's position on media issues was limited by the usage of the terms "freedom of the press" and "freedom of expression", without concrete definitions. Until 2002, the EU's annual progress reports for candidate countries (including Hungary) treated media issues under two headings – i) Human rights and the protection of minorities/ Civil and political rights; and ii) Culture and audio-visual policy. The sole existing EU-Ukraine contractual framework document – the Ukraine-EU Action Plan, adopted in early 2005 – uses similarly vague language. While the document calls for "ensuring respect for the freedom of the media and freedom of expression", no details are provided on how this is expected to be achieved – except for the request to follow relevant Council of Europe recommendations.

This has been primarily due to the fact that the European Union has only limited competence in the area of audiovisual policy, therefore few common positions exist between the member states. As a result, democratising countries received little direct support regarding systemic issues of media reform. The European Union did (and does) officially require the adoption of standards laid down or developed within the Council of Europe framework, however this has carried with it the complication that several older EU member states are often referenced as countries not fulfilling the criteria. (e.g. *PACE Recommendation 1641 (2004) on public service broadcasting* or *PACE Recommendation 1506 (2001) on freedom of expression and information in the media in Europe*), which somewhat weakens the credibility of this policy.

The most comprehensive reference point remains the corpus of recommendations adopted by the Council of Europe. These set out a catalogue of

²⁵ See for instance PACE Recommendation 1147 (1991) on the parliamentary responsibility of the democratic reform of broadcasting

²⁶ Source: Siune, K: Changing media and changing society, in McQuail (1998: 7), figures are based on EuroMedia Research Group findings, 1995

principles and measures which member states are invited to consider in their national law and practice. Among others, the Council has established the parliaments' responsibility for the democratic reform of broadcasting, and that "unbridled privatisation and complete liberalisation" could lead to "ruinous competition".²⁷ It also prescribed that European public service broadcasting be protected through the rule of law and has asserted the importance of "the existence of a multiplicity of autonomous and independent media outlets at the national, regional, and local levels". It has also maintained that "political and cultural diversity of media types and contents is central to media pluralism," and affirmed that "pluralism and diversity are essential for the functioning of a democratic society.

Several recommendations propose that to safeguard individual and societal needs, a broader perspective is necessary in the designing of communications policy.²⁸ The recommendations have established a set of basic principles along the lines of the highest European standards that have been achieved through the implementation of the social democratic model. According to these, the democratic relationship between political and media systems is founded on the following basic principles:

- Political elites carry great responsibility for the advancement of media reform (e.g. *PACE Recommendation 1147 (1991) on the parliamentary responsibility of the democratic reform of broadcasting, or PACE Recommendation 1407 (1999) on media and democratic culture*);
- Public service broadcasting is essential for the functioning of a democratic state, and public service broadcasters must be editorially/politically and financially independent of political and business interests (e.g. *Recommendation (1996) 10 on the guarantee of the independence of public service broadcasting, or Recommendation (2000) 23 on the independence and functions of regulatory authorities for the broadcasting sector*);
- States should eliminate oligopolism, and develop a media policy in line with Article 10 of the European Convention on Human Rights (e.g. *PACE Recommendation 1506 (2001) on freedom of expression and information in the media in Europe*);
- A political and cultural diversity of media types and contents is central to media pluralism (e.g. *Recommendation (1999) 1 on measures to promote media pluralism*) and transparency in the media system is a basic value (e.g. *Recommendation (1994) 13 on measures to promote media transparency*).

²⁷ PACE Recommendation 1147 (1991) on the parliamentary responsibility of the democratic reform of broadcasting

²⁸ These include the Appendix to the Recommendation (2000) 23 of the Council of Europe Committee of Ministers to Member States on the Independence and Functions of Regulatory Authorities for the Broadcasting Sector (Adopted by the Committee of Ministers on 20 December 2000 at the 735th meeting of the Ministers' Deputies) The Council of Europe Recommendation on access to official documents which for the first time established a regional standard in Europe on access to information contained in documents held by public authorities. (Adopted on 21 February, 2002, the Committee of Ministers) 3) Recommendation (99) 1 by the Committee of Ministers, which stressed that states should promote political and cultural pluralism by developing their media policy in line with Article 10 of the European Convention on Human Rights.

- The state's system of punishing media outlets for defamation, insult or other breaches of applicable law should be proportional to the violations (*e.g. Declaration on the freedom of political debate in the media, February 2004*), and any supervision or monitoring of the activities of broadcasters should take place *a posteriori* (*e.g. Recommendation (2000) 23 on the independence and functions of regulatory authorities for the broadcasting sector*);

The Council of Europe recognises the different nature of print and broadcast media and often recommends different measures for the two sectors. It acknowledges that the print media is often characterised by "external pluralism" and it states that the print media should be allowed to have a "distinct political leaning". It also states that "regulatory frameworks on media coverage of elections should not interfere with the editorial independence of newspapers or magazines nor with their right to express any political preference." It prescribes a control system only in the case that a media outlet is owned by a public authority. "Since such media are controlled by public authorities, it seems logical that they should be under the obligation of offering a broad perspective representing the whole range of political views." (Recommendation no. 1999/15)

In general, the Council of Europe benchmarks cover most problem areas of media reform, and they are complementary to each other, meaning – if used in a theoretical framework as a reference point – they should be used in as much their entirety as possible. This is due to the fact that while the majority of the recommendations are comprehensive, many of them cross-reference each other, and must be seen in the context of previously established principles. With regard to the future of this discipline, it is very likely that Council of Europe benchmarks will be increasingly referenced and integrated in political science-embedded media research. The reason why Council of Europe criteria have not been chosen as an integral part of the theoretical framework is that the most important benchmarks were developed simultaneously with this research project, during the later half of the 1990s and early 2000s.

To conclude this section, it is also worth mentioning in parentheses that post-communist governments endorsed a wide variety of further principles, through adhering to a series of international treaties, and through their membership in human rights organisations. During the period under review, all three countries adopted a body of media-related legislation, and ratified the most relevant international agreements. The Hungarian, Ukrainian and Kosovar (UN) authorities have signed up to safeguard basic principles in the realm of press freedom through their constitutions, through membership in organisations such as the Council of Europe and the OSCE, and through relevant national legislation. Given that these actions symbolise the declared goals and designated benchmarks that political elites supposedly strive for, the media democratisation process – if operationalised well – could be viewed against their spirit.

The prominent legal texts which enshrine individual civil rights in the form of declarations or conventions on "freedom of expression" and "freedom of information" include the European Convention on Human Rights and Fundamental Freedoms (Council of Europe, 1950), the Universal Declaration of Human Rights (United Nations, 1948), the International Covenant on Civil and Political Rights (United Nations, 1966),

the Charter of Fundamental Rights of the European Union (2000) as well as the European Convention on Transfrontier Television (Council of Europe, 1989). Since its foundation in 1975, several CSCE/OSCE declarations between its participating states also mentioned or reaffirmed those rights.²⁹

Some international texts have gone beyond stipulating guarantees for individual rights, and have enshrined the free and independent media's importance for societal development and democracy. In all its declarations since 1991³⁰, the OSCE has included explicit references to societal needs. Its Moscow declaration (1991) stated that the participating states "recognize that independent media are essential to a free and open society and accountable systems of government and are of particular importance in safeguarding human rights and fundamental freedoms."³¹ Its Lisbon declaration (1996) stated that "freedom of the press and media are among the basic prerequisites for truly democratic and civil societies." In the Istanbul Charter (1999), the participating states "reaffirm the importance of independent media and the free flow of information as well as the public's access to information! And commit themselves to taking "all necessary steps to ensure the basic conditions for free and independent media and unimpeded transborder and intra-State flow of information, which we consider to be an essential component of any democratic, free and open society."

2.3. A "Four theories of the press" approach

In the previous section, we reviewed several options which could have provided the backbone of a theoretical framework, but we decided that neither of them proved to be appropriate, directly applicable or flexible enough for our purposes. Let us therefore continue with the final section, in which we will hypothesise that macro-theories of media systems could provide an efficient and flexible framework for the proposed case studies.

Siebert *et al*'s "Four theories" – the libertarian, social responsibility, authoritarian and Soviet theories – have been widely criticised for being linked to political ideologies, and for drawing on outdated and far too theoretical concepts, without a proper empirical analysis of the actual relationship between the various political systems and their media. The models were created based on the experience of three countries only, the US, Great Britain and the Soviet Union, and therefore have offered a limited possibility for application elsewhere in Western Europe. Many

²⁹ Helsinki Final Act (1975), Concluding Document of the Madrid Meeting (1983), Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (June 1990), Charter of Paris for a New Europe (CSCE Summit, November 1990), Moscow Meeting of the Conference on the Human Dimension of the CSCE (October 1991), The Challenges of Change, CSCE Summit, Helsinki (1992), Decisions of the Rome Council Meeting (1993), Towards a Genuine Partnership in a New Era, CSCE Summit, Budapest (1994), OSCE Summit, Lisbon (1996), Mandate of the OSCE Representative on Freedom of the Media (Decision No. 193 of the Permanent Council of 5 November 1997), OSCE Istanbul Summit (1999)

³⁰ Decisions of the Rome Council Meeting (1993), Towards a Genuine Partnership in a New Era, CSCE Summit, Budapest (1994), OSCE Summit, Lisbon (1996), Mandate of the OSCE Representative on Freedom of the Media (Decision No. 193 of the Permanent Council of 5 November 1997) OSCE Istanbul Summit (1999). Source: "Freedom and expression, free flow of information, freedom of media", CSCE/OSCE Main provisions 1975-2001

³¹ Moscow Meeting of the Conference on the Human Dimension of the CSCE (October 1991)

scholars have suggested the abandonment of the Four theories framework and attempted to replace the theories with new models which are more in line with the social-political realities, the growing media diversity, as well as with the changing technology and audience demands.

For instance, McQuail provided conceptualisations for political systems that were absent from Siebert *et al*'s work (by expanding the list with the "development media theory"³² and the "democratic-participant theory" (1983: 94-98). In addition, several transitional theories emerged for countries in development or transition from authoritarian rule³³ but overall, none of the media theories developed since the 1950s offer a clear theoretical foundation for the directional development of media systems, and conceptualisations tend to integrate a range of prescriptive (or normative) concepts as well as descriptive (or reflective) concepts. This has brought about a confusion between "the actual working principles of a given media system; the theoretical ideals of the system; and the dominant ideology of the society". (McQuail, 1992: 66) Overall, it is believed that no all-encompassing macro-media theory has been endorsed to have replaced the "Four theories".

This might be changing as we speak, as a recent work by Hallin & Mancini, entitled "Comparing media systems" (2004) may hold the answer to this challenge. The authors provide a key contribution to the debate through a "most similar systems" study of eighteen Western democracies. They present a framework for the comparative analysis of the relationship between media and political systems, and identify the principal dimensions of *variation* in media systems. They present three major models of media systems – the "polarized pluralist", the "democratic corporatist", and the "liberal" models. Through these models, they explain the complex relationship between media and politics, and explore the forces of change that are currently transforming them. Instead of coining models which represent a common philosophy, like Siebert *et al* did, they seek to describe interrelated systems, which are in constant change within the underlying systemic relationships. (Hallin & Mancini, 2004: 12)

The liberal model, which the authors claim prevails across the UK, Ireland and North America, is characterised by relative dominance of market mechanisms and of commercial media. The democratic corporatist model, which has been identified in northern continental Europe, can be recognised by a historical co-existence of commercial and media tied to social and political groups, and by a relatively active but legally limited role for the state. Meanwhile the third, the polarised pluralist model is been associated with Southern Europe, where media institutions are closely integrated with party politics while there is a weaker historical development of commercial media and a strong role for the state.

The work proposes four variables, through which the media reform process could be studied in a path dependence perspective. These are 1) the development of media markets, and especially the development of mass circulation press, 2) political

³² The roots of this theory are in a 1980s report by the UNESCO International Commission for the study of Communication Problems, and UNESCO tacitly supported the original McQuail theory.

³³ See Jakubowicz (1998) and Ognianova (1996) for a comprehensive overview of the possibly applicable developmental theories put forward by McLeod & Blumler, Merrill & Lowenstein, Picard, Hachten, McQuail and Splichal.

parallelism, 3) the development of journalistic professionalism, and 4) the degree and nature of state intervention in the media system. In theory, this is closer to the central aims of this thesis and could therefore provide a more conducive framework for the analysis of post-communist systems. However, even Hallin & Mancini admit that this framework may not be easily transferred to other countries, and particularly not to post-communist transitions. (2004: 305-306)

This is understandable as the “Three theories” were designed after a careful examination of the characteristics of existing Western media landscapes – thereby developed in a descriptive, rather than a prescriptive manner. In post-communist countries, the discussion about the direction of media policy is usually conceived on the basis of philosophical foundations (if at all) as opposed to concrete preferences (such as “let’s create a public service broadcaster along the lines of the Italian model” etc.). Therefore the assessment of the policy debate is probably better without references to theories which are closely associated to concrete cases. Nevertheless, what is interesting about Hallin & Mancini’s approach is that they perceive the transitional nature and the heterogeneity of media systems as a basic property of their research. Their work implies that it could be worthwhile to deconstruct the evolving, transitional media systems into their various elements.

Even though the more prescriptive “Four theories” have been labelled a “completely useless” reference point for post-communist transitions (Sparks, 1998: 179), it is argued here that we may reinterpret the analytical function of these macro-theories, and imagine them as useful foundations of research. Instead of viewing Siebert *et al*’s “Four theories” as the main philosophical foundations of overall media systems, it is posited here that a transitioning media system should be deconstructed into as many elements as convenient, as this would allow for the identification of the theories as embodiments of fundamental guiding principles in certain sub-sections of the media system. As models representing different co-existing organisational and structural realities, the theories would thereby be transformed into useful, flexible tools for research on media reform.

This approach is supported by the observation made by scholars that the different models are increasingly mixed and simultaneously present in Western media systems. (E.g. McQuail 1994, Hallin & Mancini, 2004) McQuail wrote that national media systems are not organised along the lines of a single philosophy but are constructed through “separate, overlapping and often inconsistent elements, with appropriate differences of normative expectation and actual regulation.” (1994: 133) This position was already put forward by Siebert *et al* as well, who argued that while the “Four theories” represent national media systems in case of some countries, they often emerge in an inconsistent structure and mixture in others. The argument was also made by theorists, such as Williams (1969), who represented a more radical position on this question, and claimed that there is no such thing as a “pure” media model and every country’s media system possesses both degrees of freedom and control.³⁴ Finally, Hallin & Mancini’s empirical research also proves that advanced democracies apply several, or a mix of two of the proposed three macro-theories at the same time, including France and the UK. Or in another example, while Italian and Spanish journalists express

³⁴ Providing an in-depth look at the British media system, Williams asserted that the range of different press concepts can be classified into authoritarian, paternal, commercial, and democratic. (1969: 19)

allegiance to the liberal model of neutrality, their actual practice of journalism is deeply rooted in partisan advocacy traditions. (Hallin & Mancini, 2004: 14)

As is well known, while the press follows a largely libertarian model almost everywhere in the Western world, deep divides have grown between the regulation of broadcast media in the US and Europe. While the US broadcasting market is fully liberalised, the European system was designed upon social responsibility, or social democratic principles, with strong public service broadcasters (PSBs) at its centre. Since the late 1960s, these differences have become even more apparent. A good example is the colourful media landscape and regulatory system within the European Union, which developed despite the shared cultural-historical heritage, and the similarities in technological development and economic conditions. The US also provides a good example: similarly to Schumpeter's prediction that capitalism would be destroyed by its own success (1942), the US libertarian media model has generated powerful critics from within, calling for increased democratisation. Some of the most ambitious democratic ideas in societal communication, such as Jay Rosen's public journalism (1996), and Etzioni's (1998) communitarian media system, were all born out of the American context.

Therefore this research assumes that it can be expected that a post-communist country develops a media system which includes several inconsistent elements, and consequently, the more it moves away from the system controlled by the Soviet theory, the more different macro-theoretical principles it may develop simultaneously. (In fact, several scholars have touched upon the issue of possible clashes between different macro-theories in the post-communist context (including Jakubowicz 1998, and McQuail, 2000: 180). It could therefore be considered that the identification of these models (*or lack thereof*) could help the researcher in understanding and normatively treating the different developments. In this logic, it seems to be a justified approach to analyse the conduct of post-communist political elites in relation to the different models that they are promoting.

It is thus hypothesised here that the post-communist media transition process can be competently analysed in the framework of Siebert's macro-models. In the context of post-communist media research, the open models not only represent different political and philosophical approaches to reform, but also stand for the two broad dimensions of media democratisation i.e. the previously discussed liberalisation and democratisation. The "libertarian approach" is chiefly concerned with achieving openness, and safeguarding individual rights through liberalisation, while what I will call the "social democratic" approach (as opposed to Siebert et al's social responsibility) wishes to maximise the benefits for the society-at-large, and allows state intervention when necessary. The "Soviet model" is no longer valid, but the "authoritarian model" can be reserved to describe undemocratic trends in the implementation or interpretation of various laws and policies.

Finally, I am proposing to also apply a so-called "development assistance model" which can embody a solution for political party representation in the media. The development assistance model holds many similarities to McQuail's development media theory (1983: 94), and Hallin & Mancini's polarised pluralist model (2004). This scheme defines the media as an institution that should serve collective ends, rather than individual freedoms, but the media are partially subordinated to political, economic,

social and cultural needs, so much so that various media freedoms may be restricted according to the development needs of society. The media system is partially liberalised but one of its central mandates is to provide a platform for political parties to debate issues of transition and development. In theory, given that civil societies are weak, political parties are considered by voters credible representatives of society, and several media outlets' role to hold them accountable is secondary to their function of political party representation.

This model is similar to the arrangements on the European newspaper market in the first few decades after the Second World War, during which period the print media landscape was divided up between political parties, and the leading newspapers were financed by political parties. In Scandinavian countries, for instance, newspapers with party-political content represented more than 80% of the total newspaper content.³⁵ The model promotes a clear identification of political affiliations (incl. independence), and it largely promotes an external pluralism within the media system segment that it is applied in. By designing this model, we have addressed the theoretical dilemma regarding how to conceptually integrate the evident need to have politically parallel structures in the media system, which has been expressed by both political elites and journalists in many post-communist countries.

Throughout this work, these prescriptive, normative theories will be understood in the following manner.

1. Authoritarian model

In this model, the media are subordinated to the political establishment. Media outlets are both in private and government ownership, and the market is controlled by business and political elites who see the media as the extension of their political and business powers. The media neither question the political authority nor criticise the prevailing political values. They do not hold the elites accountable and do not represent the civil society. Media elites are politically motivated, while the professional "advancement" of journalists is dependent on their loyalties as opposed to their professionalism. The theory advocates a zealous obedience to the hierarchical superior and reliance on threat and punishment to those who did not follow the censorship rules or did not respect authority. The censorship of the press is justified on the ground that the state always takes precedence over the individual's right to freedom of expression.

2. Libertarian model

In contrast to the authoritarian theory, the libertarian model rests on the idea that the individual should be free to express and publish anything it wishes to as long as that does not infringe on the freedom of others. A fully established libertarian system encourages the press to challenge official government

These figures are for the Norwegian and Swedish press. Op. cit. De Bens & Ostbye (1998), Chapter II, section: "Subsidizing the press"

policies, and media professionals have full autonomy within the media organisation. As Siebert *et al* summarise, the press is "a partner in the search for truth". (Siebert *et al*, 1956: 3)

The media's fundamental mission here is to safeguard individual liberties and civil rights, and to protect these rights from abuse by the state. Also referred to as the "free marketplace of ideas,"³⁶ the media in this model is organised according to an essentially commercial logic. Structure-wise, the media are conceived simplistically as "vertical channels of communication between private citizens and government" (Curran 1991(b): 31), as opposed to complex representative systems of political and social power. Government intervention is limited and market forces are expected to settle all disputes. The theory holds that media freedom can only be ensured through privately owned print and broadcast media, with as little state intervention, or intervening regulation as possible.

3. Social democratic model

First and foremost, this model creates a media system that has an obligation toward the society as whole. The media are expected to be truthful, accurate, fair and objective (to the extent that objectivity is attainable), and independent of political interference of all kinds. Philosophically, the social democratic theory has a less optimistic view of human behaviour than does libertarianism, and was developed upon the realisation that freedom of expression of the individual does not automatically guarantee press freedom.

In this model, both central communication values – *representation* and *participation* – are guaranteed. The media are considered to be different than other businesses on the market – they are institutions which carry out an essential task through serving collective needs, especially in relation to cultural and political life. The theory opposes the idea that the media are a "free marketplace of ideas", and thus their uncontrolled commercialisation. It holds that liberalisation and democratisation of any media system are equally important, simultaneous tasks, and that any liberalisation effort must always be performed for the sake of society, and not for market reasons. (This of course, presupposes adequate financial resources by the state.)

Not only has the state the right to intervene in media issues but has an obligation to do so in the name of the public interest. To ensure that the "public interest" argument is not manipulated by political elites, the model also encourages the media to be critical towards the government, like in the libertarian theory. When operationalised, this theory would encourage state intervention through the financing of public service operations, the establishment of direct or indirect subsidies, as well as regulatory work which extends from hate speech regulation to assigning public service functions to commercial broadcasters.

³⁶ This term has been widely attributed to John Milton, but it was, in fact, coined by US Supreme Court judge Oliver Wendell Holmes in 1919.

4. Development assistance model

Based broadly on McQuail's development media theory (1983: 94) and Hallin & Mancini's polarised pluralist model (2004: 89-142), this scheme also defines the media as an institution that should serve collective ends, rather than individual freedoms. In fact, here, the media are partially subordinated to political, economic, social and cultural needs, so much so that various media freedoms may be restricted according to the development needs of society. The media system is partially liberalised but one of its central focuses is to provide a platform for political parties to debate issues of transition and development. Given that civil societies are weak, political parties are considered by voters credible representatives of society, and several media outlets' role to hold them accountable is secondary to their function of political party representation.

In the initial stages of development, there is a consensus between political and societal elites that parts of the media system should be representative of all political and social forces. This model thus offers a degree of power-sharing between the political and media elites, where the media and the political institutions share the challenges of nation building, of providing political information and of shaping cultural identities. Financial links between political parties and media outlets are common, and control over the most important national media outlets is with various political parties. As a result, there is also a degree of integration between political and media elites. In a different manner, this also contributes to increasing societal participation and representation.

These macro-theories seek to illustrate the main underlying philosophies which set the structure of relationship between the various stakeholders, and can be best defined in a similar fashion to McQuail & Windahl's definition of mass communication models, i.e. as models that are "consciously simplified descriptions in graphic form of a piece of reality". (1993: 2) The main characteristics of media systems designed according to these theories are listed in the following table.

Social democratic	Authoritarian	Development assistance
To enable democratic public communication	To promote governing elites	To provide a platform for a plurality of political parties
Limited	Justified	To a degree justified
Important	Important	Important
Partial liberalisation	Partial liberalisation	Partial liberalisation

Instead of the media's positive and negative effects, which are difficult to measure under such conditions of radical change, this type of analysis can focus on the different theoretical roles attributed to the media by the most vocal and powerful actors of transition. The research can help to identify and categorise the various reform measures, and investigate the incompatible views and the societal conflicts which have emerged during the reform discourse. By assisting in the categorisation of policy choices, the models would serve the same heuristic function as most mass communication models, which as McQuail & Windahl argued, have i) an organising function by ordering and relating systems to each other, have ii) an explanatory function through providing in a simplified way information which would otherwise be complicated or unclear, and iii) they make it possible to predict certain outcomes or the course of events. (1993: 2) To summarise, this approach will not offer a new *theory* of media democratisation, it will only offer an *approach* for the analysis of the media reform aspect of democratic transition.

All four of these models include elements of liberalisation, but they have different concepts about the method and degree of democratisation, as well as the role of the state in regulation and market ownership. They thus also imply different theories as to what constitutes the "public interest". Of the above listed media system models, the libertarian and social democratic models incorporate a significant degree of need for inclusive, internally diverse segments to represent the public interest. Meanwhile, the development assistant model advocates external pluralism in the name of the public interest, and the authoritarian model restricts pluralism.

McQuail broadly differentiates between two main schools of public interest argumentation – the market-based and the community-based, or in his words the "preponderance view" and the "common interest" view. He argues (1992) that the term "public interest" arises out of the "medieval social theory" notion of economic justice, in which some businesses were granted privileges (such as property rights, trading rights and monopoly status) in return for certain obligations to the community (such as fair pricing, universal access and the assurance of an adequate quality of goods and services). The term has been with us for a long time, for instance, the US broadcasting system has historically been regulated in light of the "public interest, convenience and necessity," a phrase incorporated in the Communications Act of 1934.

McQuail notes that despite the obsolescence of the original concept, regulation in the public interest has retained a significant position in public policy debates, despite arguments in favour of market-based approaches. The reason why the idea of the public interest persists in modern societies is in fact due largely to the "failure of the hidden hand" of the marketplace to provide adequately for the welfare of societies-at-large (1992: 21). There is disagreement, however, regarding the criteria to be used in determining public interest obligations in the media sector. In the "preponderance view", public interest is defined as the interests of the majority, typically determined by the consumer marketplace, following the logic that the market represents the most democratic way of distributing scarce resources. Regulation designed according to this view typically seeks to correct the harshness of the market while leaving the fundamental structure of the marketplace intact. In this individualistic view of the public interest, the "sum of individual interests is held to be paramount." (1992: 22)

Meanwhile, policies that favour a "common interest" view tend to seek direct changes in the structure of communication industries, rather than seek remedies for performance inadequacies after they appear. This perspective holds that the public interest is not simply the sum of individual interests, but rather the advancement of a healthy and well-functioning community, one where the pursuit of private interests is balanced with the pursuit of collective interests. It is argued here that in the post-communist context, the "common interest" perspective is more applicable as the individual is defined not merely a consumer in a marketplace satisfying private desires, but as a citizen of a new political order, founded on principles of democracy. The individual in this perspective should actively contribute to the debate about matters of public concern, and should be perceived as willing to sacrifice self-interest for the public interest.

I am inclined to assume that it is not necessary – under these conditions – to create a normative scale for the open models, as all three open models might be justified to exist in certain subsections of the media system and work toward the benefit of media democratisation and the overall improvement of public dialogue or interest representation. I would however argue that *a high degree of institutional independence, and thus the central conditions for the development of the basic communication values may only be achieved if the social democratic model becomes a dominant aspect of the media system.* In addition, it is most probable that it is the relative balance between these models that determines whether post-communist media systems become open or remain closed systems.

Naturally, there are many limitations of our Four theories approach. These include the possibility that it might prove to be more useful in some countries more than in others. Another limitation might be that it will not be possible to identify and categorise every policy measure according to these four theories. Another self-imposed restriction is that the issues discussed in the various case studies are drawn from the basis of public discussions on media reform, and are collected from local media sources, thus making it impossible to cover comprehensively all possibly relevant areas. While an attempt is made to cover and analyse issues which are not discussed publicly, it is possible that some themes are missed or are not given the attention they deserve. In this context, space limitations have also prevented the researcher from entering into a detailed discussion about the legal, economic and historical aspects of media reform.

3. ASSUMPTION AND HYPOTHESES

Each discipline discussed in the previous section offers some directly applicable concepts and basic propositions which are relevant for this research. Public sphere theory suggests that it is a good starting point to think about the new media structures as agencies of representation, and that public participation and political representation must be ensured not only through political institutional methods but also through the new media structures. It also warns of the high stakes of media reform, and implies that the state of the media should be considered as a key variable in studies of democratic consolidation. The debates and empirical findings in mass communication research suggest that we need to pay attention to the media's conducive and possibly destructive influences with regard to political and societal developments.

The relationship between the news media and social-political change has been studied mainly in societies that are not undergoing such radical change as post-communist transition. In past mass communication research, depending on whether the study subscribed to the media- or socio-centric theory, the media has been conceptualised as either having an independent power over politics, or the other way around. Siebert et al considered the media to be a dependent variable in relation to what they called the "system of social control which it reflects" but this has later been countered by research exploring the media's impact on other social institutions. Hallin & Mancini argued that "the relative influence of the media system on political institutions and *vice versa* may vary historically, with political forces dominating the media system in some periods, while in other periods the media system is more independent (or more determined by economic forces) and may exercise greater autonomous influence on the political world." (2004: 47)

As mentioned earlier, transitology research has paid little attention to the communication dimension, and media system change has not been analysed with the same thoroughness as other variables. Given that theoretical uncertainties have slowed down the growth of comparative academic research into Western media systems and political communication patterns, the cumulative impact, according to Hallin & Mancini, has been the emergence of "ambiguities about what exactly has changed in media systems and how those changes are related to the wider historical process." (2004b: 32-33). Therefore even some of the basic dynamics in the media-political relationship will have to be defined for the purposes of this study.

In preparing the set of assumptions and hypotheses for this research, the starting proposition will be that citizens are more dependent on their media during periods when the societal and political environment is undergoing change. (McQuail & Windahl, 1993: 111-115) Generally speaking, this theory also claims that the more there is change or uncertainty in the general political and social conditions, the more there is a need for "information, orientation, definitions, value reassertions, or new value expressions, which stimulate information-giving and receiving". (McQuail & Windahl, 1993: 112) To extend this logic to the specific condition of post-communist transition, which includes radical changes within the media system itself, we can argue that societies are heavily dependent on the media system, irrespective of the media system's stage of development or quality of output. It is acknowledged that the stakes are high in all reform areas under post-communist transition, however – on the basis of this theory – it can be argued that the outcome of the changing relationship between the political and media systems is of particular importance as the quality of this relationship can have a direct influence on the agendas and style of political communication, and indirectly on the general political direction the country is taking.

In the following section, I will discuss some key ideas and concepts which are imperative to determine the basic assumptions regarding the media-political elite relationship.

1. News media - a dependent or independent variable? Many scholars of post-communist transition have studied the dilemma of whether a free and democratic media system is the cause or effect of a functioning democratic political system, (e.g. Price *et al*, 2002) but few have found a satisfactory resolution. Jakubowicz has argued that "the issue of whether mass media lead or follow change, whether they mirror or mould

society, and whether they should be conceptualised as agents of social change or of status quo are yet to be resolved.” (2002) Once in a while, empirical studies identify a direct causal relationship between media and democratisation (e.g. Voltmer & Schmitt-Beck, 2002)³⁷ but overall, there is no theoretical consensus on this issue. So the question remains open for the case of Central and Eastern European transitions, and it seems that both perspectives may provide advantages to the researcher.

For the research to have a clear analytical perspective, however, it is crucial to define how we view the relationship between the political and media systems. Ball-Rokeach has argued that the news media’s dependency on elites creates the condition for “structural relations of control over information resources that generate power to create social realities and, in so doing, to negotiate social conflict and social change” (1998: 29). He has defined media system dependency as a structure conceived as “relations of production that gives rise to text, including relations that bound and influence text reconstruction.” (1998: 15) and argued that macro relations within the media system dependency structure have direct effect on the media’s output and functioning (1998: 22). This view, as well as the US-rooted “indexing” theory (Bennett, 1990)³⁸ suggests that during post-communist political change, the news media are more likely to be dependent on elites than the other way around.

What also supports the validity of this assumption is the argument that media institutions are at the centre of overlapping “pulls and pushes” from economics, politics and technology. (McQuail, 2000: 192) More concretely, the running of news media organisations requires the management of a complex web of relationships, ranging from pressure groups, sources, owners, investors, audiences and advertisers, to the institutions of law, and the political establishment. (McQuail and Windahl, 1993: 161) Thus, the position of a media outlet within this matrix is constantly changing, and could be regularly redefined as a result of the different conflicts and pressures. If, for instance, the quality of the relationship between a media outlet and its investor changes (in the event of an ownership change for instance), it could lead to a redefinition of its relationship with both its audience, its other pressure groups, its advertisers and even the government. Or if the relationship with the government becomes more intimate in an environment where this is not tolerated, it could lead to the departure of advertisers and audiences.

If we were to consider all aspects of the relationship between political and media systems – such as legal, political, economic, cultural, organisational, institutional etc. – the relationship would be most aptly conceptualised as a co-evolution, which is determined by a circularity. However, following our earlier statement that the political

³⁷ Voltmer & Schmitt-Beck (2002) gathered data from six “Third-wave” democracies, Bulgaria, Hungary, Chile, Uruguay, Greece and Spain, and proved that the relationship between media and democracy is particularly strong in the early stages of the transformation process, implying that the media has an overall stronger role in the democratisation process within the first decade.

³⁸ The “indexing” hypothesis, suggests that virtually all aspects of news reporting and commentary are indexed to reflect “the range of views expressed in mainstream government debate about a given topic.” (Bennett, 1990: 106). While this theory was born out of the American “balanced reporting doctrine” context, it also has some relevance for the European media, especially in those countries which no longer have the tradition of opinion journalism. Bennett wrote that “indexing constitutes a quick and ready guide for editors and reporters to use in deciding how to cover a story. It is a rule of thumb that can be defended against questions from uneasy corporate managers and concerned citizens alike.” (1990, 107-108).

elites carry the ultimate responsibility for media reform, the media system will be treated as a dependent variable regarding its relationship with the political system. If the media system is perceived rather dependent on the political sphere, this has direct implications for the structure and presentation of the analysis.

We will separate the collected empirical evidence into two interrelated dimensions, which simultaneously influence the direction and degree of journalistic professionalisation. The first such dimension would be, naturally, the macro environment, i.e. the structural conditions of the new media system, with a special emphasis on the development of media policy and traces of political parallelism within the media. The second perspective concerns the micro-environment of the media landscape, and includes more cultural points of interaction with the political elites.

Broadly, we will call these two parts of every case study:

- the *external dimension* (i.e. the media policy decisions taken by political elites within both the print and the broadcast sector, regulatory and legal frameworks, organisational structures etc.), and
- the *internal dimension* (i.e. the internal growth patterns of the media, professionalism, safety, journalistic associations, solidarity etc).

As Barbara Pfesch has described it, the structural conditions of the media-political relationship have a crucial influence on the expectations and assessment of media responsibilities on the part of the political establishment, and *vice versa*, on the political mechanisms and on opportunities for exerting influence on the media. The structural conditions also have an impact on how media organisations position themselves against other outlets, on the norms of professional orientations and the actors' behaviour, as well as on the content and style of reporting about politics. (2004: 356)

By studying the external and internal aspects, we will thus also get an insight into the emerging political communication culture, which Pfesch defines as the "empirically observable orientations of actors in the system of production of political messages toward specific objects of political communication, which determine the manner in which political actors and media actors communicate to their common political public." (2004: 348) In addition, through the external dimension (primary aspect) we will gain insight into the conflict between the different theoretical approaches, applied by the political and media elites, while through the internal dimension (secondary aspect), we will evaluate the internal growth potential of the media, and the sustainability of its internal structure and organisation.

2. Political parallelism and advocacy journalism. If we accept that the indexing hypothesis is valid in relation to the news media in post-communist countries, we also have to take into consideration the pressure that is placed on politicians who are featured in news reporting. As mentioned earlier, with increasing commercialisation, the media in post-communist Europe swiftly joined their Western counterparts in engaging in the practice of rather negative reporting on political elites. This was not coupled with a swift professionalisation, meaning that many journalists obtained power without having internalised the basic ethics and rules of responsible journalism. We may assume

that the combination of these two aspects generates a high degree of tension between media and political elites, tension which – if it could be measured – would probably rank higher in case of the countries where the relationship is still being negotiated between political and media systems. In an effort to retain or assert some functional control of the media by the political elites, the method and style of establishing politically parallelism in the news media structures thus might emerge as a crucial question in these countries.

For these reasons, it is understandable that politicians want representation in the media system to be able to protect themselves from the emerging power of the media, and to be able to control this most direct communication channel with their constituents. The “ideal” or “acceptable” political elite involvement is hard to establish theoretically as the transitional nature of the process creates a particular environment and expectations, while at the same time, there is no relevant best practice in Western media systems. In fact, there is a strong consensus that political elites should not be direct stake-holders of the media system in any way (as enshrined in many Council of Europe recommendations as well). At the same time, as covered earlier, Western European media systems do have a significant degree of political parallelism, as a residual of their historical and political traditions.

The system of political party-financed press in most of Western Europe has been replaced by a system of shared political-ideological agendas, which means that most serious newspapers identify themselves with a political platform, and are often as recognised outlets as the independent press. However, in Southern Europe, this relationship continues to be much stronger than in the UK or Scandinavian countries, and political elites are thought to have a strong say in editorial policy, especially in political sensitive cases. Nevertheless, politically aligned newspapers are considered “useful”, as the newspapers are thought to assist the publics by providing interpretations and not just facts about social and political realities. National newspapers in Germany and Sweden are relatively evenly balanced in their distribution, and in both countries there are several major news organisations on each side of the political spectrum. (Donsbach & Patterson, 2004: 256) But regarding the balance between the different political orientations, there are more newspapers on the political right than on the left in Great Britain. Voltmer’s analysis of Western European press systems (2000), has found some form of imbalance in Ireland, Italy and Greece as well, suggesting that the emergence of an imbalance is a viable scenario in countries of transition.

Europe-wide newspaper penetration figures reveal that in those countries where the newspaper landscape is more politically integrated, the readership figures are much lower than in those countries where papers are more commercially based. While this does not necessarily indicate causality, it is an interesting observation to keep in mind for any later discussion on the usefulness of parallel structures during democratic transition. In addition, newspaper penetration figures also seem to be connected to general economic development, as well as with the dominant philosophy around which the media is organised. Political parallelism can also be found in broadcasting structures, in which control over public broadcasting is divided among parliamentary parties by a system of proportional representation. This is known in Italy as *lotizzazione*, and in Germany as the very different *proporz principle*. It is difficult to interpret these differing cultural-historical patterns in the context of developmental stages, but if we

look at comprehensive surveys about media freedom (such as those produced by Freedom House, Newspapers of the World and others), the countries which apply strong parallelism exhibit worst results that those which do not. In countries following a more social democratic model, newspaper readership figures are much higher than in countries which do not.³⁹

Given that media institutions cannot function without reliance on sources of political or economic power during transition (e.g. Price et al 2002: 255), instead of assessing our three countries against the highest theoretical benchmarks, it might be more appropriate to accept that some form of political parallelism is bound to develop – especially in print media – and what we should focus on is how we integrate such developments into our conceptual frameworks, and how it can the possible damages of this interference can kept at the minimum. We have done this already by coining the development assistance model, which develops the philosophical rationale behind such linkages.

We can expand on this by seeking to differentiate between stronger, rather financial or institutionalised links (i.e. “strong” political parallelism), or informal partisanship linkage (i.e. “partial” political parallelism) between political parties and media outlets. Differentiating between the two is a first step toward understanding the degree of integration between these two spheres, and would also allow the understanding of whether these phenomena are a result of unwarranted political interference or a genuine cause, supported by the media community from below.

In post-communist transitions, the question often arises that even if media outlets become financially independent of governments, there can never be sufficient guarantee that they do not informally or secretly support political elites for economic benefit. Empirical evidence suggests that foreign ownership (which has been considered in the past as a guarantee of political independence) does not necessarily alleviate political dependence, and editorial offices are asked to perform favours to the incumbent governments. The dilemma is clear and present – can privately-owned media outlets be trusted to provide full independence from governments in countries where system change has been managed by close networks of political and civil society elites?

One positive about some form of political parallelism may be that it could enhance the external pluralism in a media system, and correct the failures of the market. Perhaps, for this exact reason, empirical evidence about post-communist transitions suggests that political parallelism has been advocated not only by political elites but also by some parts of the journalistic community.

When we expect to find a significant degree of political parallelism, we can establish both a *cultural/ traditional* and a *developmental* explanation. The cultural explanation may be that in the European tradition, journalists have seen themselves as the interpreters of social and political realities, and considered that objectivity could hinder the very purpose of journalistic work. (Donsbach & Patterson, 2004: 261). On top of this, the Central and Eastern European journalistic experience is rooted in an even stronger advocacy environment, where journalists were not simply fighting for a social or political cause, but were forced to represent certain ideological positions. Meanwhile

³⁹ Source: Newspaper penetration figures obtained from www.unesco.org, reference year 2001-2002

the developmental explanation is rooted in the Western European experience, which tells us that political parallelism is gradually eased and replaced by solely ideological partisanship connections between parties and newspapers (and no longer organisational, financial, or any other). Along with this development, the number of fully independent newspapers grows and their position on the market strengthens. This path of course is strongly dependent on the political structure that a given country develops, and on the basis of Hallin & Mancini's research, it is primarily dependent on whether a majoritarian or consensus governance structure develops.

Political parallelism is very important to pay attention to in light of the fact that that political elites largely abuse their power in relation to media democratisation (Johnson, 1993, Downing 1996, Sparks and Reading, 1998, Jakubowicz 1999, Gross 2001, Milton 2000,) and that common characteristics have been found between the style and the organisational structure of the Italian and Central and Eastern European media systems, in terms of the level of state control, the degree of media partisanship, the integration between political elites and the media as well as the low level of professional ethics. It is therefore important to follow the development of parallelism in the new media structures, as this characteristic will have a crucial long-term impact not only on the development of the media as a political institution but also on the media's ability to serve the various constructive roles which are attributed to it in a democracy. It will be crucial whether pluralism becomes constituted through a multiplicity of politically independent, ideologically aligned, or political party-financed newspapers, and if this occurs in a combination – which is most likely the case in all countries – which type prevails. If ideologically aligned newspapers or political party-financed newspapers are common, it is important to see to what extent there is a balance between the different political spectrums.

3. The role of news media during transition. In order to illustrate the extent of the political elites' responsibility in media reform, we need to find an appropriate conceptualisation regarding the media's role during this sensitive political period. Beyond their integration with the political and economic societies, an even more crucial characteristic (in fact a responsibility) of the new media systems is their integration with the civil society, and their capacity to represent a plurality of voices. While the above discussion implied that a certain degree of integration with political elites should not be considered problematic automatically, this needs to be implemented with a view to maximising the media's development toward becoming an independent social institution.

Various theoretical discussions, including the public sphere discussion, tell us that the most fundamental goal of media democratisation should be the transformation of the media system into a system which enables societal *participation* and *representation*. We will thus adopt the European definition of the "fourth estate" which incorporates both these goals. In addition, to place the media into a wider context, we will define it here as the central institution of the mediated public sphere i.e. the "policy sphere". Borrowed from Bennett & Entman (2001: 3-5), this concept has facilitated research on media reform as it excludes all informal social relationships and non-mediated spheres, which the otherwise useful "public sphere" concept covers.

The potential of the news media to impact negatively on political developments has generated many enemies of the new market-based media systems, and some critical

theorists have argued that media elites in this region are more powerful actors than political elites themselves. (Pokol, 1995: 83) According to this argument, the media are not only more powerful than the government, but have a secret political agenda. It also implies that the new media institutions have an exclusively negative impact on the overall democratisation process. While these views are not shared here, they provide a warning about the possible negative effects of media output. On a more operation level, the public interest regarding media reform will thus be understood to be aimed at creating a *media system, in which the constructive functions outweigh the negative functions*. In light of the previous discussion, therefore, this thesis will consider the following functions as the most essential democratic functions of post-communist media systems.

- (a) A "Fourth estate" role – by providing a central platform for all significant societal actors to participate in the democratic process and for interests to be represented (i.e. European definition);
- (b) A watchdog function – by serving to protect the public through monitoring the government and public officials, and other power elites;
- (c) An information role – by providing a plurality of views, news, data, and a diversity of interpretations on societal developments, it allows citizens to gather political and cultural information, and make informed political and lifestyle choices;
- (d) An agenda-setting role – by raising issues of common concern and move democratic dialogue forward;
- (e) A constructive politicisation role – by encouraging high quality public debates in an attempt to increase political participation;
- (f) A social capital building role – by strengthening the relationship between various societal groups, as well as society and government in general.

While this conceptualisation embodies a set of "ideal" roles, the findings by Pippa Norris suggest that aiming for such constructive roles is justified. In her study of 29 OECD member states, Norris (2000) found that in the long run, the news media exert a positive influence on the quality of democracy, and thereby the process of political communications should be understood as a "virtuous circle". In a subsequent study of 135 countries around the world (2004), she found systematic evidence that the mass media can play a vital role in strengthening good governance and human development. She compared countries using – among others – the World Bank's World Development Indicators for "media access" and Freedom House's Press Freedom Index for "press freedom", and concluded that this positive influence can only emerge if the media are independent of established political and business interests and if public access is allowed to these outlets.

Before closing this chapter, let us clarify further the remaining conceptual tools that this thesis will work with. We have already elaborated the first methodological hypothesis (i.e. the usefulness of the "Four theories" as a conceptual framework) and a series of research questions and assumptions, so let turn now to the remaining assumptions and hypotheses.

Given the difficulty of the media democratisation mandate, this research will hypothesise that a calculated negative interference by elites is inevitable in a transition to democracy, irrespective of the democratisation method, the initial conditions, or the actors themselves. The work will suggest that the problem is inherent in the circumstance (the actual need to transform from one political system to another), and will more specifically hypothesise that *post-communist transition, by definition, brings about some destructive political interference in the media, irrespective of the typology of transition or the method of media democratisation.*

Due to the very difficult starting conditions, the simultaneity of economic, societal and political change, the weakness of civil societies, political cultures, and initially the rule of law, it is crucial that the media reform process is conducted as part of a larger discussion on the public good, and future visions of society. It therefore needs to be inclusive and transparent. The process also requires patience and a gradual approach, and if political elites aim for an immediate transition to the "highest standards" or the "best European practices", that might further impede the process. Following this logic, an additional hypothesis is that *the more a process lacks strategy, the less chance there is for media reform to unfold without major societal frictions.* Strategy here refers to two things – a systemic approach to allocating roles and functions to various media segments, and a consensus-seeking approach by political elites, where the interests of society are placed higher than direct political party or business interests. Closely associated with this is the concept of transparency, particularly with regard to upholding the rule of law, the clearness of the above mentioned strategy to all stakeholders, and the general openness about institutionalised links of political parallelism.

Finally, let me reiterate that the empirical evidence will be used to construct comprehensive case studies, and to serve as a basis for the identification of various normative media theories that have emerged as integral elements of the reform process. Through the external dimension we will gain insight into the main structural developments on the respective media landscapes, while through the internal dimension, we will evaluate the internal growth potential of the media, and the sustainability of its internal structure and organisation. In terms of its style, the work will avoid making judgements based on anecdotal evidence, and its assertions and conclusions will be firmly rooted on an extensive review of existing empirical data. Now let us begin with the country analyses.

CHAPTER III.

CASE STUDY OF HUNGARY

Frequent abbreviations

MDF – Hungarian Democratic Forum
SZDSZ – Alliance of Free Democrats
MSZP – Hungarian Socialist Party
Fidesz – Fidesz-Hungarian Civic Party
PSB – Public service broadcaster
MTV – Hungarian Television

Hungary's post-communist democratic transition has been one of the most successful in the region. The government was quick to establish stable political institutions, to begin privatisation of the state sector, and to provide guarantees for ensuring the rule of law. Following an austerity programme, which led to a stabilised economy, the government attracted a significant amount of foreign investment. All four post-communist elections have taken place in free and fair conditions, and the country was accepted into the Council of Europe in 1990, the Organisation for Economic Co-operation and Development (OECD) in 1996, the North Atlantic Treaty Organisation (NATO) in 1999, and joined the European Union in May 2004.

Despite its very favourable initial conditions, Hungary has proved to be a controversial case when it comes to reforming the media system. Even though the consecutive governments reached swift results in institutional engineering, economic restructuring and social development, the country seems to have stayed behind other advanced countries of the region with regard to the success of media reform.¹ This chapter will focus on the policy decisions adopted during the 1990-2002 period, and gather empirical evidence on the media system reform and its impact on societal developments. Wherever possible, it will categorise the various reform measures and/or developments according to the four proposed macro-theories.

1. INITIAL CONDITIONS

All across Central Europe, the idea of press freedom was advocated since the beginning of the emergence of printed press markets in the 18th century. After the Second World War, the state media came to be organised according to the Soviet model, serving as a transmission belt of party ideology. Having been accorded a strong advocacy function by the communist government, the news media was not a fact-

¹ This conclusion has been reached through the comparison of the results of the European Commission's country reports on institutional, economic, legal and political reforms (in which Hungary was the leading candidate state for many years) and the annual Freedom House index on press freedom (in which Hungary's results were inferior to the average of eight most advanced countries, in the organization's classification (Czech Republic, Poland, Slovenia, Estonia, Latvia, Lithuania, Slovakia) between 1995 and 2002.

reporting but rather, a fact-creating industry – where both the pro-government media and the *samizdats*² of the 1980s were of highly opinionated nature. Devoid of participatory and deliberative spaces, Hungary's political culture underwent serious deterioration, and the post-1989 journalistic community inherited a politicised notion of the media and a restricted access to the policy sphere.

Until the late 1950s, the Communist party held an ideological monopoly on the public sphere – on television, in the press, in schools, and at work. The Hungarian Socialist Workers' Party's media policy was laid down in a 1958 resolution, which made it clear that the "task" of the media was to follow and popularise the policy of the central committee.³ The official policy sphere was thus the exact opposite in all its characteristics of the Habermasian ideal. The central communication values – participation and representation – were denied from the publics and only existed in a manner filtered through the state propaganda offices. As Csepeli & Örkény argued (1992), public discussions gradually became "ritualised".

The 1956 revolution swept away the Stalinist era in Hungary. From the late 1960s onwards, János Kádár's benign rule generated a compromise of social and economic liberalisation in return for acquiescence to Soviet control. This led first to an "antipolitical"⁴ stance by intellectuals (Konrád 1984: 91-98), and later to the development of what Hankiss (1990: 82-107) has termed a "second society" on the fringes of the party state, where citizens engaged in individual economic and social interaction. By the 1980s, mass communications became less controlled, while overt mechanisms of censorship gave way to more informal means of control. Widespread was the idea of the "three t-s" – a system of tiered censorship – which relied less on direct party oversight than on self-censorship. *Támogatott*, *tűrt*, *tiltott* were the three magic categories of editorial content, referring to "supported," "tolerated" and "forbidden" material.

From the early 1970s, numerous intellectual and regional journals appeared (e.g. *Tiszatáj*, *Jelenkor*, *Valóság*) which broadened the scope of the debate among intellectuals, and embodied the desire to create organised opposition movements. But unlike the sizeable institutional opposition in Czechoslovakia (Charter 77) or Poland (Solidarity), Hungary's opposition remained limited to various groups of dissidents centered around the underground literary, political and economic publications such as *Beszélő* (*Speaker*) *Fordulat és Reform* (*Turn and Reform*), *Demokrata* (*The Democrat*), *Hirmondó* (*News source*) and *Medvetánc* (*Bear dance*). The launch of *Heti Világgazdaság* (*Weekly World Economy*, *HVG*) in 1979 provided for a sphere to debate the state of the country and, along with other literary and intellectual publications, brought colour and a suggestion of plurality into the policy sphere.

² The term "samizdat" is said to have emerged in the late 1950s, when a Moscow poet described the bound, typewritten publication of his poems "Samsebyaizdat" i.e. publishing house for oneself.

³ The 1958 party resolution stated that "the press should be partisan, it should base itself without reservations on the dictatorship of the proletariat, and its position should always be a class position. Party control should be asserted in the entire press, because only in this way can the partisan position of the press be properly ensured and the assertion of views alien to Marxism-Leninism avoided." Source: Jakab, Zoltán (ed.): *Mass media in the documents of the MSZMP (1957-1980)*, 1987, Research Centre for Mass Communications, Budapest

⁴ The term, first introduced into the public discourse by György Konrád (1984: 91-98), refers to the individual's civic engagement without a wish to get involved in domestic political developments. The term was also used to describe attitudes in Poland, the German Democratic Republic and Czechoslovakia.

The ideas and analysis captured in these journals were regularly beamed to a wider audience through Radio Free Europe. The critical tone of these writings greatly influenced the journalists and editors of the official press and contributed to the birth of the Publicity Club in 1986, which held debates about public issues with dissidents and political figures. Some even believe that selected media outlets (such as the daily *Magyar Nemzet*, *HVG* and the radio programme *168 Óra*) had a greater influence in bringing down the communist system than the entire opposition movement. (Pokol, 1995: 14)

In the broadcast sphere, while some production activity occurred in regional studios, television broadcasting was centralized in Budapest during the 1970s and 1980s. The two nationwide television channels were financed through the Ministry of Finance, and every financial detail, including the small advertising revenues, was handled by the ministry. The programming of the Hungarian State Television (MTV) was beamed to Hungarian speaking regions in Austria, Czechoslovakia, Romania, the former-Yugoslavia, and the former USSR, primarily to spread positive propaganda about the country. In 1989, reports about the imminent collapse of the system were aired by the state television and radio – fuelling, although not exclusively, the revolutionary events in Romania.

The socialist media policy was dramatically eased when the Department for Agitation and Propaganda was closed down in 1988, and when – as a political concession to the emerging opposition forces – the system of newspaper licensing was abolished in 1989. At this historic moment, there was no clear theory about media reform, so in an attempt to prevent political parties from acquiring broadcast channels, the reformist government called a moratorium on broadcast frequencies on the eve of the system-change. However, at the same time, the reforming elites also embarked on behind-the curtain deals, redistributing access to media power. A handful of cable channels were allowed to operate, and some of those (e.g. Nap TV) became powerful players covering and interpreting the social and political realities during the initial years of transition. The execution of non-transparent business deals was also characteristic within the print realm.

2. THE EXTERNAL DIMENSION OF MEDIA REFORM

2.1. EVOLUTION OF THE POST-1989 PRINT MEDIA MARKET

Parallel to the initial liberalisation measures, the reforming communist elites began a covert privatisation of the print market. In an attempt to ensure that no political rivals overtake the national and regional political newspaper market⁵ – the communist elites sold most of the print media assets, including two publishing houses, to foreign investors. While in some cases (e.g. the dailies *Népszabadság* and *Magyar Hírlap*) the ownership changes were negotiated by the editors themselves (without active involvement of party officials), in other cases the government was in the driving seat.

For instance, in case of most of the nineteen, communist party-owned regional papers, the government denied the journalists' request to perform a management

⁵ Zöldi, L.: "Ideologies on the hanger. What type of politics is practiced by the regional press?" In Cseh & Enyedi & Soltészky (1999: 319-332)

buyout, which would have kept the papers in domestic hands.⁶ Instead, the papers were sold to foreigners, among them the German press magnate Axel Springer, and *au lieu* of actual payment, they were only asked to guarantee the papers' future maintenance.⁷ The details of this "investor-friendly" deal, which also involved real estate transfers, are still disputed and continue to haunt the communists' successor, the Hungarian Socialist Party. Even though the print segment represents only 9% of the Hungarian policy sphere audience,⁸ because of the particular, intellectual section of society it caters for, its ownership structure and patterns of political favouritism were crucial at this point. However, not only that the privatisation was conducted without consultation with the public, it was also done without a clear theoretical foundation for a wider media policy.

By the time the right-wing coalition, led by the Hungarian Democratic Forum (MDF), came into power in May 1990, the new rules of the game were largely drawn up – a considerable part of the print media had been privatised, and 65% of the entire market was taken over by foreign groups. While it cannot be said that the initial transformation of the print media market was conducted under the guidance of the libertarian theory, it is true that the end results were close to a largely liberalised market, in a sense that the state retained only minimal influence. Liberalisation in this context mainly meant the admittance that there was no capital or know-how in the country to build a democratic print media system, and that the creation of a system independent of the state was urgently needed. Most libertarians argued that in a media environment that is increasingly global, the development of "indigenous" media was not an essential prerequisite for the emergence of stable democratic institutions.⁹

The 1989-1990 developments came to determine the state of print media for years to come. On the one hand, the overwhelming foreign presence made a positive contribution to the development of the independent press. The regional newspapers, and the two main national political dailies – *Népszabadság* (People's Freedom), the former communist party paper, and *Magyar Hírlap* (Hungarian Daily) the paper of the government between 1968 and 1989 – quickly became institutionally independent of political parties and developed significant distance from political elites. Given that these newspapers became politically partisan newspapers, a certain measure of political parallelism developed (*partial political parallelism*), but the strong financial link which characterised their former relationship with the political system disappeared. Meanwhile the political newspapers which stayed in Hungarian ownership (e.g. *Népszava* and *Magyar Nemzet*) gradually developed closer political links (*strong political parallelism*).

Along with the privatisation of state-owned companies, thousands of new companies entered the newly liberalised market. The first five years witnessed a radical upsurge in titles, followed by a gradual consolidation of the market. As only natural, the

⁶ Source: *Magyar Narancs*, November 13, 2003

⁷ Láncki & O'Neil (1997: 86)

⁸ In 2001, 74% of the Hungarian population get their news from television, while 9% from radio, 9% from daily newspapers and 3% from weeklies. The study was conducted by the Sonda Ipsos polling agency, based on a 1000-sample of adult population (over the age of 18), and commissioned by the Press Freedom Centre. Source: "Readers and television audiences on the Hungarian media", *Népszabadság*, October 3, 2001

⁹ See for instance Seres, László: Freedom of the public media in Hungary. A libertarian approach, in Bajomi-Lázár & Hegedüs (2001: 147-159)

print media landscape saw a series of ownership changes through sell-offs, mergers and acquisitions. In the nation-wide newspaper sector, for example, all of the titles saw dramatic ownership changes at least twice during the 1990s. The number of national daily newspapers (political, financial and tabloid) dropped from 14 in 1994 to 8 in 2003. Of this, nation-wide political dailies were 5 and 4, respectively. According to its number of dailies, Hungary looks similar to the Western European average, which suggests that there is a relatively diverse market of political news and opinion.¹⁰

Readership patterns dramatically changed, too. The number of those who regularly read both a daily and a weekly dropped from 62% to 41%, and by 1998, one-fifth of the population admitted to not reading any political newspaper.¹¹ Partly as a result of financial difficulties and the growing availability of alternative sources of information (such as commercial and cable television), the circulation of national newspapers fell significantly,¹² while the readership of tabloid media and internet-based public interest newspapers grew.¹³ The possible explanations also include the low level of trust in the political institutional system, as indicated by several empirical studies,¹⁴ as well as worldwide cultural and communication trends.¹⁵ By 2002, the daily newspaper circulation figure in Hungary was 162 per 1000 inhabitants,¹⁶ which is on the lower end of the European scale, suggesting that the Hungarian policy sphere participation though the print media is relatively weak.¹⁷

In the early 1990s, the civil and penal codes contained jurisdiction regarding the operation of the press, while press freedom was guaranteed by the constitution. Thus, the political parties represented in the Parliament agreed that no new press law was necessary (on top of a 1986 law). This, again, did not emerge as a unique libertarian element in the overall print media reform process, but was rather the adoption of the common Western European practice. But while there seemed to be consensus regarding the regulatory needs, there was little agreement about which model would be most adequate for the general structure of the print media and the role of political parties therein. While most political parties and a significant part of the journalistic community came to favour partisanship (and thus the development assistance model), many civil

¹⁰ France has 8 nation-wide dailies, while Germany 5 and Italy 4. Source: 1998 findings by the Euromedia Research Group, McQuail and Siune (1998: 7-21)

¹¹ Venczel, Tímea: "Changing readership patterns between 1990 and 1998", in Vászárhelyi & Halmai, (1998: 317-332)

¹² *Népszabadság's* circulation (measured in sold copies) dropped from 294,000 in 1994 to 189,000 in 2003. *Magyar Hírlap's* circulation dropped from 58,000 in 1994 to 35,000 in 2003. *Népszava* decreased from 46,000 in 1999 to 29,000 in 2003. Source: MédiaÁsz Polling Agency, 2003. The total circulation of political dailies fell from 921,000 in 1989 to 341,000 in 2001. Source: Gálík & Bayer (2000)

¹³ The leading internet newspapers have exceeded the national dailies in readership. The average daily readership of Origo.hu is 372,000, that of Index.hu is 177,000, while that of Korridor.hu is 79,000 and growing. Source: www.webaudit.hu, December 2003

¹⁴ Including one by Mária Vászárhelyi, entitled "On the prestige of the institutional system", *Jel-Kép*, 1995/2

¹⁵ The overall circulation of newspapers dropped by 12 percentage points in the early 1990s in the Western world. Source: Goldman Sachs investment bank, research carried out in 36 developed countries between 1989 and 1993. Cited by Gálík (1998) Ibid.

¹⁶ UNESCO newspaper penetration figures for year 2001-2002, available in the "Country profiles" section of www.unesco.org

¹⁷ Within the EU, only the Italian (110), Greek (100) and Portugese (38) newspaper penetration figures are below the Hungarian. The average for the Scandinavian region is 520. Source for EU data: Euromedia Research Group findings, McQuail and Siune (1998: 11)

society representatives and liberal politicians argued in favour of a libertarian model, rejecting the idea of any political party representation in the press.

Given that political parallelism was perceived by the general public as a development contradictory to the idea of democratisation and media freedom, the political elites who did believe that party-press ties were important had to manage most of these relationships in an informal manner. Even though *Népszabadság* was privatised, a minority stake was held by a group of journalists who kept informal ties to the Socialist party. *Népszava* also remained close to the MSZP, but its ownership changed hands on average every two years and the real owners were rarely exposed. At the same time, foreign investors had majority or full ownership stakes in the main newspapers, *Népszabadság* and *Magyar Hírlap*, but sought to cherish good relationships with the Socialist-liberal political elites whose business connections were responsible for the financial survival of these papers. Thus, it emerged fairly early on that while foreign ownership does introduce high production and journalistic standards, it does not automatically guarantee full political independence.

The first democratically-elected government failed to directly profit from the newspaper privatisation process, and thus launched a campaign of direct interventionism. Having obtained only a small majority in Parliament, the right-wing MDF-government tried to increase its political leverage by securing the support of media outlets. Much according to the development assistance theory, it argued that the media did not reflect the political power relations within the emerging democratic society, and concluded in an internal document in 1991 that the government would have to interfere on the media market to limit the "newspaper bias created by the socialist-liberal media".¹⁸ In Ágh's words, "the new party leaders were intellectuals and they had an extreme sensitivity and vanity concerning the press [...] and the new parties were engaged in a cultural war among themselves because of their vague and over-ideologized programmes and "tribal" sub-cultural political profiles." (1998: 108) Kéri describes the paranoia that emerged in the ranks of the new political elites in the following way: "the opposition was driven by a deep fear that governing parties would take control over the media, while governing parties were distressed that they would have to fight not only the opposition but also the media". (2000: 30)

Given the liberal bias on this issue, MDF's argumentation and plans to use taxpayer funds to adjust the balance created outrage in both the media community and the political opposition. In order to improve the government's communication potential, MDF invested public funds in several publishing houses, financially supported the daily *Pesti Hírlap*, and launched a failed attempt at creating a government-leaning daily newspaper, *Új Magyarország* (New Hungary).¹⁹ In 1993, the government also renationalised *Magyar Nemzet* (which had been sold to the French *Hersant Group*) and began financing it through a state-owned bank. MDF was indeed in a difficult situation as traditionally the 1980s opinion journalism and underground *samizdat* world attracted

¹⁸ The initially secret internal party document was authored by leading MDF politician Imre Kónya, and was leaked to the press in September 1991. Published in *Magyar Hírlap*, September 9, 1991

¹⁹ The daily was to reach a 300,000 daily circulation (i.e. number one position on the political daily market) in three years, but due to its unprofessional and politically overheated style, the highest circulation the paper could reach was 25,000 and, from 1995 onward, it was in a constant state of bankruptcy. In 1997, it was restarted under a different name, *Napi Magyarország* (Daily Hungary) by groups close to Fidesz.

liberal thinkers and in the early stages of transition, most journalists, editors and columnists were centrist liberals. Through the continuation of the 1980s opposition titles and the setting up of new media outlets, the new print media system came to represent a pluralism of views, but one which showed little interest in right-wing ideas. Despite the non-transparent ties between political parties and media owners, journalists were rarely driven by strong political affiliations,²⁰ leading us to assume that the majority of journalists conceived the media as the watchdog of government and simply wanted to perform their work with the healthy antagonism and critical zeal.

However, MDF interpreted the new media-politics relationship as a direct attack on itself as a political entity, which was particularly clear in its aggressive broadcast policy (to be discussed later). In turn, the interventionist policies were widely interpreted by media professionals as calls to systemise themselves into groups of political journalists. Therefore, the attempts at controlling a segment of the print market failed to produce long term results, but injected a significant amount of politicisation into the media, strengthening political identifications within the journalistic community, and widening the gap between the two most powerful political ideologies of the era – a unique version of liberalism and an even more unique version of conservatism.²¹

The next, Socialist-dominated government (a coalition of the Hungarian Socialist Party and the Alliance of Free Democrats) gradually privatised the remaining state interests in newspaper publishing, cut direct support for *Új Magyarország* and *Pesti Hírlap*, and only continued to support a handful of publications through the state-owned PostaBank. Much according to Western European examples of print subsidy systems, the bank financed 15 different publications, catering to the needs of practically all political and cultural interest groups, including the conservative *Magyar Nemzet*. Having secured a majority in Parliament, this government did not feel directly threatened by the media, and considered it a legitimate aim to support a plurality of media outlets in an attempt to counter the negative impact of market-based development.

Initially, this seemed like a good idea as many critical niche publications, including *Beszélő*, and the political weekly *Magyar Narancs*, were kept alive only through state funds. Local capital was scarce, and the Hungarian market was considered too small to sustain marginal publications. Many publishers also received funds from the Soros network and other foundations and charities. However, when the bank went bankrupt, ironically for performing too many favours to political elites, its media portfolio was dismantled by the next government, and it became clear that it was a mistake not to have designed a non-political system of press support which could work independent of all governments.

The battle for newspapers became more intense, and more openly talked about during the third, right-wing government's tenure. In its 1998 election programme²², the

²⁰ In 1992, most journalists said they were "democratic thinkers" (46%), or that they are "free thinkers" (31%). Few said they were leftists (9%), and few that they had "strong national feelings" (6%), or were "conservatives" (1%). Source: Vársárhelyi (1999:137)

²¹ Briefly, conservative and right-wing parties would represent Christian ethics, anti-communism, the idea of the nation and rural attitudes, while the liberal forces and the Socialist party would stand for anti-clerical, pro-urban, economically liberal attitudes.

²² "There is another choice – a civic Hungary", Fidesz political programme, 1998 general elections

conservative Fidesz-Hungarian Civic Party (hereinafter Fidesz) promised to prevent the concentration of media capital which it claimed had led to “an opinion monopoly”. It pledged to “create a balanced system of communication rights”, to guarantee the independence of the media from political and economic interest groups and thus protect the citizens’ right to “objective information”. Following up on its promise, between 1998 and 2002, the Fidesz-government enacted an unprecedented amount of state intervention in the affairs of the media – which even though once again rooted in the development assistance argument, has turned out to be much distorted, with a rather authoritarian flavour.

The controversial concept of “media equilibrium”, announced by Prime Minister Viktor Orbán in September 1998,²³ generated heated debates in intellectual, political and media circles – leading to great divisions in society regarding the role of the media in a democratic transition. Fidesz said that equilibrium in the media can only be created through a positive discrimination for the right-wing press i.e. through the provision of financial support from taxpayer funds. Initially, this policy was announced as “temporary” (only one or two years)²⁴ but, in fact, Fidesz began to create a long-term enabling environment for the dissemination of its own political messages. Given that this issue has made Hungary very different from other countries in the region, I will dedicate a detailed analysis to its study.

2.2. THE CONCEPT OF “MEDIA EQUILIBRIUM” – THE FACTS

Fidesz argued that the “hegemony of the leftist-liberal press” had bred an opinion monopoly, leading to a structural inequality in political information distribution, and the news media in general.²⁵ In an attempt to protect the “public interest”, Fidesz argued that correctional policies were necessary to reverse the negative trends which had resulted from the market liberalisation and the flawed privatisation of the 1990s, which favoured the old nomenclature and the left-wing journalistic elite. Fidesz adopted a definition of media responsibility in which the civil society should be represented according to parliamentary power relations. It argued that free competition among the various newspapers did not allow for this representation, and thus the power and presence of right-wing opinions needed to be strengthened. Fidesz also pointed to the constitution which stipulates that Hungary “promotes equality before the law by implementing measures that make up for the inequality of opportunity.”

As István Elek, media policy advisor to the prime minister, has put it “positive discrimination promoting the representation of right-wing values in the press is morally justified by the suppression of these values under socialism as well as their [negative] discrimination in the transformation years.” Further, Fidesz-leaning political theorists argued that all over the post-communist region, media power became concentrated in the hands of a small elite who negotiated the terms of transition between themselves, without participation from the society-at-large. (Pokol, 1995: 83). Pokol claimed that – with the help of selected financial groups – the leftist media have developed a *media*

²³ *Népszabadság*, September 28, 1998

²⁴ *Magyar Hírlap*, December 14, 1998

²⁵ According to Fidesz leader László Kövér, the leftist/ liberal media had a 9:1 majority against the conservative press when Fidesz took power.

supremacy – or in other words, a powerful and uncontrollable estate. (1999: 7) He argued that through monopolising communication and thought patterns, media elites came to dominate the policy sphere. He lists the following reasons that played an imperative role in the evolution of this *media supremacy*:

- (a) the centralized structure of the mass media (all national newspapers and broadcast outlets are in the capital, leading to a system where nationwide political public opinion is predominantly created in the capital);
- (b) the central place of the mass media and of intellectuals in the run-up to the system-change, as opposed to the importance of the masses in countries like the GDR, Czechoslovakia and Romania;
- (c) the mass media's potential to influence political party structures and internal party politics (both in the case of favoured and disliked party formations);
- (d) the political homogeneity of the mass media (most of the media adheres to a liberal value system, and more particularly to the social-liberal fraction within the party of intellectuals, the Alliance of Free Democrats);
- (e) the media's excessive potential in influencing political preferences in a country where the number of undecided voters is high, and stable political preferences are rare;
- (f) the mass media's monopoly on forming public opinion, in view of the low political participation by citizens at live political events.²⁶

Arising from this logic, the Fidesz government introduced the concept of "loyal journalism." According to this theory, the entire media system should be subordinated to the government in office on the grounds that a majority vote equals the government's empowerment to represent the society in both the political process and the mediated communication space. One right-wing journalist argued that the government is "entitled to limit the power of the press (which power is not derived from general elections), and to create opportunities to have its voice heard and get the public know its policies and objectives (through the public service media). The loyal journalist accepts this principle and meets the function of gatekeeper while keeping an eye on the government's interests; he or she reports on events from the government's perspective, and protects the government's position."²⁷

Fidesz resorted to a wide array of economic and legal methods to create the desired balance, which I will first detail objectively, with the sole purpose of providing the facts. Economic ways included the selective dismantling of the existing state-supported media portfolio, the redirection of state-sponsored advertising from the largest circulation newspapers to government-leaning outlets, while legal means varied from attempts to criminalize defamation laws to screening journalists.

I. Economic means

The first controversial event was the handling of the bankrupt PostaBank's media empire which had provided badly needed funding for a

²⁶ Pokol (1995: 32) This essay was originally published in July 1994.

²⁷ Varga, D. Gy.: The last always come first. The metamorphosis of the Hungarian media [Elsőkből lesznek az utolsók] 2001, pp. 205

number of niche publications. When in 1998 it became clear that the portfolio needed to be sold, as the state could no longer afford to finance it, Fidesz chose a selective strategy. While the government decided to put up most papers for sale, the loss-making *Magyar Nemzet*²⁸ was kept in state hands on the grounds that it is a "national treasure"²⁹ and is "part of the common cultural heritage".³⁰ At the same time, the government froze funds for all "leftist-liberal" magazines, without putting them up for privatisation.³¹ As a result, the critical *Kurir* was closed down, while the liberal *Magyar Narancs* had to restart publication under a different name. While the bank's media portfolio managers cited financial reasons for the clean-up, many in the journalistic community, including leading figures, were convinced it was clearly a political decision to cut funding to these two papers.³²

Fidesz wanted to make *Magyar Nemzet* an equal competitor to the country's largest circulation daily, *Népszabadság*, and restore the paper's 1990 glory when it had a circulation of 200,000. In an attempt to clear the potential competition, the government merged the paper with the MDF-founded – but since then reshaped and renamed – right-wing daily *Napi Magyarország* under the name *Magyar Nemzet*,³³ and added a popular sports paper as its supplement. As a result of significant financial assistance from the Fidesz-led conservative government, the paper managed to reduce its subscription price below market rates, and its circulation grew to a record 100,000 by 2002, nearly half the combined readership (267,000) of the three other dailies.

The government also launched a weekly entitled *Heti Válasz* (Weekly Response)³⁴ using taxpayer funds, and allocated support from the government-administered National Cultural Fund (which has been a low-profile state effort to fund filmmakers, writers and apolitical literary magazines from a pool of funds collected from newspapers on sales and advertising income) to the extreme right-wing, often anti-Semitic political weekly *Magyar Demokrata* (Hungarian Democrat).³⁵ There were also reports about the channelling of secret funds to the Smallholder-leaning publication *Kis Újság* from both the Ministry of Defence and the Ministry of Environment.³⁶ In some cases, the government arranged for financial support extending beyond the tenure of the government.³⁷

²⁸ *Magyar Nemzet* was in foreign hands from 1990 but was making losses throughout its existence. In 1994, the government consolidated the paper and bought it back. The paper remained in state hands throughout the MSZP-SZDSZ government's tenure but kept its conservative orientation.

²⁹ *Heti Világgazdaság*, August 29, 1998

³⁰ Political state secretary in the Prime Minister's Office, László Bogár, quoted in *Budapest Business Journal*, October 26, 1998

³¹ Many argued that this decision made little financial sense as PostaBank could have reduced its losses through selling these papers.

³² *Budapest Business Journal*, October 5, 1998, *Magyar Narancs*, October 8, 1998

³³ The move was even criticised by Fidesz ally MDF which said the government was eliminating MDF's channel to the public. Source: *Budapest Business Journal*, March 6, 2000

³⁴ *Magyar Narancs*, 2000, October 19; *Élet és Irodalom*, 2000, October 27

³⁵ *Népszabadság*, 2000, October 30

³⁶ *Népszava*, 2000, November 23 and 30

³⁷ *Nagyvilág*, a literary periodical publishing the works of senior government officers and advisors, was granted aid totalling HUF 110 million (USD 400,000) over a period of six years from the resources of the Ministry of National Cultural Heritage. Source: *Magyar Narancs*, September 23, 1999

In 1998, the government also attempted to eliminate the liberal *Magyar Hírlap*, the newspaper associated with Fidesz' greatest political ally, the Alliance of Free Democrats, through purchasing it from its Swiss owner Jürg Marquard. According to insider information, the government was going to immediately close down the liberal paper by merging it with conservative papers.³⁸ Liberal intellectuals, as well as media elites and representative organisations, strongly criticised the government's such efforts, and Marquard, who did not agree with Fidesz' interventionist policies, rejected the business offer.

Beyond direct state funds for loyal newspapers, the government also redirected all advertising from state-controlled companies and government institutions to the low-circulation right wing press.³⁹ The practice went against market sense and was widely considered a political move, criticised even by foreign media owners.⁴⁰ Despite the fact that print media outlets were to pay 0.5% of their profits to the National Cultural Fund, the Fidesz-government considered introducing a temporary tax on successful newspapers to support rival publications with dwindling circulation and advertisement revenue, arguing that the entire advertising market had been formed under political pressure.⁴¹ Also, in order to help the papers publish information-rich content, government politicians consolidated the admitted practice of tipping off the conservative press on government news.⁴² Senior politicians from the coalition parties ensured that the bulk of information on public matters was reserved exclusively for these loyal outlets.

2. Legal methods

In order to maximize the results of the media equilibrium policy, the government attempted to extend interventionism to the legal domain. Taking advantage of the fact that Western *right to reply* principles usually do not enter into details regarding their applicability (i.e. details about whether they cover fact-based news items, opinion items, or other types of media mentions), a 1999 a proposal nicknamed *Lex Pokol* would have provided those offended by either news or opinion articles expressing "socially detrimental opinions" with a *right to reply* through the same media outlet. Fidesz was initially reluctant to support the suggestion by the media theorist of its coalition partner, the Independent Smallholders Party, but came to endorse the version according to which "any negative opinion, evaluation or judgement" should be followed by an opportunity to respond.⁴³ In September 2000, another bill would have

³⁸ Juhász, G.: The market of Hungarian quality daily newspapers, Mediakutató, 2003 spring

³⁹ *Budapest Business Journal*, December 7, 1998, and "Advertisers in daily newspapers 1998-2002.

Money that makes politics. I-II." Survey commissioned by Fidesz, conducted by Fidesz firm, VálaszOK Media Consulting, 2003. Available at www.fidesz.hu

⁴⁰ See for instance an interview with Jürg Marquard, *Magyar Hírlap*, December 16, 1998

⁴¹ *Budapest Business Journal*, December 14, 1998

⁴² *Budapest Business Journal*, December 7, 1998

⁴³ *Magyar Hírlap*, October 23, 1998

criminalized defamation with a prison sentence.⁴⁴ As a result of societal pressure and parliamentary opposition, however, the government did not manage to pass these bills.

Yet, in May 2001, the government did manage to push *Lex Répássy* through the Parliament, which would give those whose “private rights are offended” by an “opinion” article the *right to reply* in the same media. Publications transgressing the law would have been required to pay a penalty, of an unspecified amount, to the state. After protests from the opposition and journalists associations, and the direct intervention of the president, the Constitutional Court declared the law unconstitutional⁴⁵ and it was never implemented. Severely criticised by local and foreign advocacy groups, the ruling avoided addressing the core problem with the bill, and thus kept a slot for a slightly modified version of the law to be passed in future.

In May 2000, the government also pushed through an amendment to the law, extending lustration to leading journalists and editors of the print press, the public, and the private media, as well as on-line magazines.⁴⁶ This was widely seen as a direct attack on the journalistic community, not necessarily due to the possible findings, but because it was sending a critical message about the journalistic community that they were unreliable and unprofessional servants of a corrupt state.

The government also used journalist intimidation as a method to pressurize the leftist media. *Magyar Nemzet* ran an article listing the names and publications of foreign journalists accusing them of “worsening the country’s international image through biased, negative reporting.”⁴⁷

Not surprisingly, these interventionist policies generated a wave of counter-arguments on the libertarian side. Vásárhelyi argued that the strategy interferes with the self-controlling, self-correcting mechanisms of the market, and ultimately translates to the restriction of critical voices against the government.⁴⁸ She also said that such interference makes a “mockery of journalism” and that Fidesz purposefully blurred the dividing lines between party and societal interest. Others suggested⁴⁹ that in order to create a balance in the media, the government’s task is to eliminate all types of state intervention, while only the non-political cultural press should be supported. Haraszti compared Fidesz’ *right to reply* efforts to the communist media policy, where authorities obligated editors to run something that is against their taste. “By obligating

⁴⁴ This bill said that “those who [...] publicly spread unreal facts or real facts in an unrealistic way that may provoke worry or disorder among a great number of people, commit a crime and are punishable with up to three years of imprisonment.” *168 Óra*, December 7, 2000

⁴⁵ Interestingly, the court’s only problem with the law was that the extent of the reply and the fine were not defined.

⁴⁶ The modification was initiated by László Csúcs, a senior politician of the Independent Smallholders Party (FKgP), and vice-president of Hungarian Radio during the media war of the early 1990s. Source: *Népszava*, May 25, 2000

⁴⁷ *Magyar Nemzet*, January 9, 2002

⁴⁸ *Élet és Irodalom*, December 18, 1998

⁴⁹ E.g. the 1994 election manifesto of the Alliance of Free Democrats (SZDSZ)

the individual media outlets to act in a pluralistic manner, they eliminate the independence of editors and thus the very idea of pluralism," he wrote.⁵⁰

Libertarian media elites stressed that serving the government or working for state-supported media is the unnatural situation within the media, and all media outlets should be critical of all governments at all times.⁵¹ Meanwhile, several protest movements emerged in response to the government's media policy, including one street demonstration in the spring of 2000 involving 15,000 people. In addition, international journalists' organizations and representatives of the US and European Union governments voiced their concern about Hungary's democratic regression. Hundreds of newspaper articles and dozens of caricatures were published on the subject.

2.3. ANALYSIS OF THE "MEDIA EQUILIBRIUM" POLICY

Let us now briefly analyse the Fidesz strategy point by point. First of all, while Fidesz was right in criticizing the classical liberal view that the market will regulate itself justly, it failed at placing its policy in a more systemic, perhaps even theoretical framework. Given that it defined the media as an institution which should represent society as it appears in the last election results, Fidesz' strategy promoted a development assistance model for the *entire* media system. In the print segment, the necessity of Fidesz' correctional policies could be considered justified given that the redistribution of media power after the 1989 system-change favoured the mostly left-wing, system-changing elites, and these media outlets never managed to divorce themselves entirely from political parties. However, the implementation strategy and the argumentation put forward to support these policies were rather flawed, rendering most supporting arguments redundant.

To counter the impression that Fidesz considers Hungary a "developing" country which needs a state-assisted media system (much as in the development assistance model), Fidesz used selected existing Western European examples of direct subsidies as comparisons, to generate support for its policy. The government mentioned the Scandinavian and French systems of print media subsidies, where the state grants support to low circulation newspapers, as examples to follow. However, these references were not compatible with Fidesz' problematisation of the state of the Hungarian media system. The mentioned Scandinavian and French funds are not allocated on a political basis, and do not aim to fill the gap to improve the representation of certain mainstream political ideas. The function of direct state intervention in these countries is to give a voice to marginal views such as environmentalists, feminists groups, as well as to ethnic and religious communities. These two countries are part of a larger group within Europe (also including Belgium, Netherlands and Austria) which have set up press funds to support the local media, in an effort to prevent the establishment of local monopolies and fight concentration trends.⁵²

⁵⁰ *Népszabadság*, September 21, 1998

⁵¹ Interview with Ákos Mester, editor of *168 Óra*, *Magyar Hírlap*, May 22, 1999

⁵² It is common that if regional markets cannot sustain more than one newspaper, a second title would be subsidized by the state, regardless of its political orientation.

As a result of such measures, there is no indication in these countries that the supported media have become less critical of their reporting on the government,⁵³ and where well administered (e.g. Scandinavian countries), the subsidies have significantly contributed to policy sphere participation. These redistribution mechanisms were not designed to provide equal opportunities for views that are already represented in political institutions, but rather to bring about a plurality of opinion regarding all matters of public interest, including those that are so marginal that might not even be taken up by political organisations. Therefore, the *raison d'être* and application mechanism of state subsidies is entirely different from the Hungarian case. It is also worth pointing out that Fidesz carefully avoided mentioning the problems which plague selected Western systems of print media subsidies.⁵⁴

As mentioned previously, vocal supporters of the state intervention policy argue that the 1989 "communist-liberal consensus" gave undeserved advantage to the leftist groups in the media, and directly connected media structures to those elites. They claim that when the reforming elites divided up business interests, they also created support structures for the media, which can be identified through both financial connections and informal ties which are undetectable for the average reader.⁵⁵ They usually point to the overwhelming private advertising which supports leftist media due to the allegedly intertwined political and business interests, and allege that these are managed by media elites who were helped into power positions by politicians at the outset of the system-change, and who promised long-term loyalty for the political parties. According to figures cited by Gálik, non-transparent political party spending was an estimated 8-10% of the overall market in 2002,⁵⁶ which is an important part of the overall market but it does not support the case of dominant financial links between political parties and the news media. Also, this estimate includes all main political parties (including Fidesz of course) which does reduce the share of the "leftist-liberal" media.

All in all, Fidesz seems to have missed the opportunity to present its case in a more conceptually sound manner, and to discuss the problems of media reform in a new light, in which the responsibilities of the different segments are conceptualised differently, and as a result, their respective problems are addressed in different ways. Their arguments do have merit, but the cause seems to have been twisted to create a platform for self-victimisation, which conveniently suits the long-term interest of Fidesz as a political entity. The media equilibrium debate was complicated by the fact that from early 1990s, the libertarian argument seems to have dominated the discussion on press ownership, which seems to have made it difficult to even theoretically consider the potentially constructive effects of open political parallelism in the print segment.

By 2000, the idea that right-wing political ideas are underrepresented became shared by many intellectuals and journalists who are traditionally left-wing voters. It is now accepted as a fact that while right-wing groups have lacked the financial means to

⁵³ De Bens, E. & Ostbye, H.: The European newspaper market, in McQuail & Siune (1998), Chapter II, section: "Subsidizing the press"

⁵⁴ For a detailed discussion, see Media Subsidies, 1999, a publication by Article 19 (www.article19.org)

⁵⁵ This has been confirmed in the author's interview with Tamás Kocsis, Deputy Head of Hungarian State Treasury (Fidesz), 2004

⁵⁶ Gálik, M.: Hungary chapter, in "Media Markets in Southeast Europe and EU Accession Countries: Mapping Patterns of Media Ownership and Their Effects on Media Freedom and Pluralism," research by www.seenpm.org

invest in the media market, interest groups with communist/ socialist ties have retained economic involvement in the press, and grew to dominate it through their influence.⁵⁷ This is further confirmed by every (although very rarely occurring) sensitive case, when *Népszabadság* violates its independent pledge by adjusting its editorial policy in order to directly support the Socialist party or party-leaning business interests.⁵⁸ However, the Fidesz argument that *Magyar Hírlap*, *Népszabadság* and independent weeklies (like *HVG* and *Figyelő*) all *permanently* and *directly* serve the interest of the leftist political, intellectual and business circles remains an unjustified line of reasoning.

Fidesz has accused the print segment of a "strong political parallelism" but failed to provide hard evidence to prove it. In fact, the claim is easy to disprove. First of all, the Socialist and Free Democrat political partnership is more a "marriage of convenience" than a solid ideological alliance. The two parties have starkly different support bases in society, and as various political elite studies have shown, their representatives come from different reformist circles – late-Kádarian technocrats in case of the Socialists, and the democratic intellectual opposition in case of SZDSZ (Szalai, 1998: 20-37). Also, their political platforms have little in common. True, the two parties' former or current supporters do dominate the economic and cultural spheres, but at the same time, the parties do not have overlapping business or ideological interests, a solid internal unity, or even the organisational prowess or structures, (Lakner, 2003) which would allow them to run a systematic, institutionalised media empire, as Fidesz alleges.

Secondly, only a small portion of private advertising is controlled by business groups which are connected to the Socialists, while most of them are either independent multinationals⁵⁹ or belong to various companies which conduct lobbying operations with all incumbent governments – rendering the argument that these papers are financed through business empires weak. And last but not least, the editorials in *Népszabadság* and *Magyar Hírlap* do have a marked political stance in opinion columns, but overall, the papers strive to provide objective coverage of events, and are critical of every political establishment.

The political affiliation claim can also be destroyed by a random analysis of the overall newspaper output. A study of the three main national dailies shows that while *Magyar Nemzet* largely refrained from criticising the government during Fidesz's governance, both *Népszabadság* and *Magyar Hírlap* allocated space to a wide variety of news articles and opinions, including ones that are critical of the government. During the Socialist-Liberal government's tenure (2002-), 8% of the coverage of domestic politics presented the views of the opposition, or was outright critical in *Népszabadság*, while 12% in *Magyar Hírlap*. Meanwhile, *Magyar Nemzet* would publish as little as 1% negative content regarding the Fidesz government between 1998 and 2002.⁶⁰

⁵⁷ Cseh, G. & Enyedi Nagy, M. & Soltészky, T. (eds.) (1998): MediaBook Hungary, (MediaKönyv), pp. 501

⁵⁸ See for instance the coverage of the Teller Ede-letter story in 2003.

⁵⁹ The largest chunk of *Népszabadság*'s ad revenue is from multinational companies, and only 10% originates from state administration and state-controlled companies. Source: *Budapest Business Journal*, December 7, 1998

⁶⁰ These figures are a result of a random analysis conducted for the months of October 1999, March 2001, October 2002, March 2003 in the Library of the Hungarian Parliament. Only articles in the "Opinion" and

Also indicative is the fact that while there is no legal requirement to provide balanced coverage during elections, to varying degrees, both *Népszabadság* and *Magyar Hírlap* do. Election surveys by OSCE's Office for Democratic Institutions and Human Rights (ODIHR) confirm this – while these two papers were relatively balanced in the last two elections, *Magyar Nemzet* was found clearly biased toward Fidesz both times.⁶¹ Also, while *Magyar Nemzet* dedicates its entire space to articles serving the Fidesz government's needs, few articles in the other papers put a political spin on articles, providing a more balanced overall information service to readers. The relative independence of these papers, but especially *Népszabadság*, is also underlined by its success with undecided and floating voters. All in all, it seems that while “partial political parallelism” (in which the ideological partnership is more dominant than the financial) could be a more appropriate way to describe the relationship between these papers and the political system, the temptation to merge these two concepts is real, and partisan newspapers can be extremely vulnerable to criticism.

While there is little factual evidence that would suggest that the print landscape was “divided up” between political parties, Fidesz defined Hungarian society solely according to supposed allegiances to political parties. Its theorists drew up societal profiles particularly in the framework of the two biggest parties, and assumed a permanent, and deep societal division along political lines. This way Fidesz was promoting a political party system development which was going toward a majoritarian political system, in which only two parties compete. This was unjustified in 1998 as Hungarian voters were not committed voters, party allegiances were weak, while strong political beliefs and identifications were random. There were constant changes in political party platforms, and the many *ad hoc* alliances provided little limited permanence in the ideology that post-communist parties represented. In light of this, we can assume that the interventionist policies were not created to further the public interest. Instead, the media equilibrium policy seems to have been designed exclusively to advance Fidesz party interests – it has been a foundation of Fidesz' self-conserving solution through the difficult process of party systems formation and consolidation.

Another problem was that Fidesz failed to explain its position in positive terms. Fidesz based the whole strategy on a negative campaign, attacking the “leftist-liberal” press for manipulating society and failing to provide balanced reporting. It applied a harshly negative, inquisitive and often very colloquial political communication style, which appealed only to a very limited group, prone to radicalisation. In an attempt to demonise the leftist media, Fidesz politicians used the terms “liar”, “incompetent”, “cooperative with criminals”, “serving the interest of liberals”, “the interest of Jews”, “foreigners”, “communists”, “foreign capital”, or various combinations of these.⁶² They

“Domestic politics” sections were reviewed, and were analysed according to OSCE media monitoring methodology.

⁶¹ *Népszava* was also found to be supporting the Socialist party in 2002. Source: Final reports by ODIHR, 1998 and 2002

⁶² While these had been alleged by radical right-wing leaders throughout the 1990s, the views were endorsed by moderate politicians as well. President of Fidesz-MPP László Kövér argued that the leftist media was still under the influence of “old Bolshevik editors”. According to Smallholder leader József Torgyán journalists used “the methods of Goebbels’ propaganda” while investigating his swelling wealth. Interior Minister Sándor Pintér was quoted as saying that the media and organized crime “were likely to have close connections”. When asked to detail his suspicions, he refused to give concrete examples.

have denounced the whole institution of the media as one that lacks objectivity and one that does not serve the public interest. They also successfully implanted positive identification through the overwhelming use of the word "polgár" (citoyen) which, in their definition, embraced Fidesz voters only, excluding all others.

While Fidesz identified many of the unique problems of the Hungarian media democratisation process correctly, it failed to come up with a solution which would make the overall media system more independent of politics. Fidesz' handling of the "leftist-liberal threat" only made it a self-fulfilling prophecy. The policy mobilised much of the journalistic community, civil society, the socialist and liberal opposition against the government's efforts. These groups, as well as the readers of critical newspapers, were all brought to a common platform in contesting the policy. Also, Fidesz' arrogant problem-solving technique, based on attacking these intellectuals and journalists, practically made it impossible to have a civilised debate about the shared concerns regarding media freedom in Hungary.⁶³

Also, as a result of the radicalisation of political communication patterns, both the Hungarian society and the media became increasingly politicised. After four years in governance, Fidesz' attempts at creating a right-wing media empire (including dailies, weeklies, a radio and a news television station) re-strengthened political ties between political elites and the media on both sides, and thus have consolidated the societal perception that all major politically influential media outlets are manipulated due to their subordination to political party interests.⁶⁴ This argument is supported by trends in advertising markets, according to which private businesses have purposefully avoided Fidesz' media empire despite its growing readership and audience figures.⁶⁵

All in all, many of these policies have been reminiscent of authoritarian interventions aimed at countering press freedom, rather than policies assisting the media democratisation process. While some ideas resembling the development assistance model are justified, the idea of "loyal journalism" sounds like it has been lifted from the outdated Soviet, or authoritarian theories of the press. The concept suggests that some elements of the government's policy are beyond public scrutiny, and that the media should not act as government watchdogs. In other words, it implies that the boundaries of the policy sphere should be designated by the government. It is also problematic because it suggests that citizens should be passive observers and not active participants in the overall democratic transition process. Fidesz was aiming to create an "enabling environment" for itself, as a political party, which – under the given conditions – only would have been accepted if the party built its media empire from its own financial resources.

Meanwhile, László Kövér stated publicly that the mafia was supported by some "media stars". Sources: Various newspaper articles, August-November 2000

⁶³ For example, Fidesz has entirely confused the term liberal – by accusing the leftist-liberal press of being supportive of its political rivals, it eliminated the original meaning of liberal i.e. a media outlet which prints a pluralism of views (representing various minorities, interest groups as well as political parties), with the exception of extreme views.

⁶⁴ According to an independent survey, 50% of Hungarians do not trust journalists. Source: Readers and television audiences on the Hungarian media, *Népszabadság*, October 3, 2001

⁶⁵ "Advertisers in daily newspapers 1998-2002. Money that makes politics. I-II." Survey commissioned by Fidesz, conducted by Fidesz firm, VálaszOK Media Consulting. Available at www.fidesz.hu

Lost in an aggressive yet idle debate about who does and who does not have media representation, the Hungarian governments (irrespective of their make-up) have failed to pay attention to media democratisation policy options which have proved to be working in Western Europe. First, they could have followed the examples of apolitical Western initiatives such as press funds, or indirect, universal subsidies such as low postal and telecommunications rates, interest-free loans and a reduction of or an exemption from VAT. These subsidies have been widely approved because all newspapers are involved, therefore they do not have a preferential feature. Instead, in 2004, the Socialist-dominated government raised the 12% VAT on print media to 15%, going against the EU's proposal and current practice. (The EU proposal was to lower it to 6%, while in 11 EU countries the VAT rate is between 0 and 4%.)

At the same time, no government found it important to fight the negative consequences of market concentration. By 2001, all of the leading titles in both national and regional newspapers⁶⁶ were owned by five foreign investor groups, creating a high degree of concentration – so much so that Hungarian competitors have proved unable to introduce a sustainable second title in some regions. Looking at market concentration, based on circulation figures, it is obvious that the level of concentration is very high both in the sub-markets and in national aggregate.⁶⁷

Overall, it can be concluded from this section that the governments have sporadically realised that there is a problem with print media development but have not managed to turn the lingering political pressure into a transparent and constructive element of print media properties. Having studied the spending priorities of various governments, it can be stated with determination that the reasons for this are rather political. The problems which emerged on the surface – such as the failure to arrive at a consensus regarding the definition of the public interest, and the media's central function etc. – seem to have been based on a more systemic problem i.e. the fact there was no discussion on the ideal overall structure of the media system, the possible distribution of roles and functions between various segments. The initiated discussions on a possible “transitional model” were not fruitful, as the libertarian position on full independence from politics made this almost impossible. The pressure on the print media resulted in obvious ramifications for the broadcast sector, where the situation became even worse.

2.4. DEVELOPMENT OF THE BROADCAST MEDIA POLICY

It has been argued that media laws are “analogous to mini-constitutions” for they reflect the state of play in the political power struggle as well as the “birth pains” of a new governing system.⁶⁸ This has been particularly true in Hungary as the establishment of the foundations of a democratic media policy has proved drawn-out and particularly

⁶⁶ The regional titles once edited by the local party offices preserved their leading positions. Some of them were sold to foreign investors in the aforementioned privatisation process. The rest were sold in the second half of 1990 via open tenders. Even though the second round was a more regulated process, it did not reverse the ownership trends and led to a domination of foreign investors on this market as well (over 70%).

⁶⁷ Gálik, Mihály & Bayer, József: Building Markets in Newspaper and Magazine Publishing in Hungary in the 1990s: the Case of Axel Springer-Budapest Ltd. and Axel Springer-Magyarország Ltd.

⁶⁸ Jakubowicz, K.: Media legislation as a mirror of democracy, *Transition*, October 18, 1996

contentious. Given the broadcast segment's crucial impact on the governments' field of manoeuvre, broadcast media reforms were initially even more problematic than that of the print media, and it took Hungary six years to arrive at a broadcast media law.

The delay in passing the media law meant that the communist structures of broadcasting remained intact for several years after the system-change. According to these, the national broadcasting system consisted of two overstaffed and inefficient television and three radio channels, all financed through the state budget. In 1990, the president-appointed new chairmen – Elemér Hankiss and Csaba Gombár – initiated profound changes in the internal structure of the organisations. In television, as part of a process of decentralization, the old, highly stratified and centralized programming and production structure was replaced by autonomous production units, and the system of “in-house only” production was replaced by a system of commissioned production, involving a high number of independent companies.

The new chairmen, both apolitical intellectuals, began major reorganisation and wanted to create a politically independent public service broadcaster. Their efforts to create objective, professional organisations were supported by the leftist-liberal parties which shared the view that these steps are prerogatives for the creation of broadcasters which serve the public interest through the principles of the social democratic media model. However, right-wing government elites wanted to see a “political cleanup” in the state institutions, and considered the reforms “too autonomous”, and incompatible with the government's ideology. The MDF government held a strong line on television at this point, arguing that the PSB should represent the views held by the elected government. Due to the uncertain political conditions and the promise by the Parliament for an imminent media law, the presidents considered their positions temporary and thus did not begin a reorganisation of staff⁶⁹ – a move which was seen by the right wing as an attempt to consolidate power by the “leftist-liberal elements” within the PSB.

As a result, just like in the print media, MDF argued that a “liberal conspiracy” had begun in the PSBs, and the new chairmen were not doing enough to “preserve democratic values and national culture”. Soon enough, the dispute manifested in the incompatible styles of political communication – with the media promoting a rationalist-European discourse, and the conservative elites wishing to dominate the discursive space with a nationalist-populist and religious discourse.⁷⁰ (Among others, some more radical MDF officials advocated that the community feeling should be strengthened by the exclusion of certain social groups.) Following the system-change, Hungarian political parties attracted few new party members⁷¹ – a development which conditioned their existence even stronger on the media. MDF considered that a mediated platform would be essential for it to form a solid supporter base.

The government was unwilling to give up the comfortable, manual direction of the PSBs, and proclaimed war on the “conspiratory liberals” primarily by attacking them for their lack of “national, Christian spirit.” In 1992, Prime Minister József Antall tried to remove the chairmen, but his efforts were foiled by the veto of the President of

⁶⁹ *Beszélő*, 2000 February

⁷⁰ Ágh (1992b: 7)

⁷¹ Hungarian Socialist Party (MSZP) 37,000; Hungarian Democratic Forum (MDF) 25,000; Alliance of Free Democrats (SZDSZ) 32,000; Independent Smallholders Party (FKGP) 60,000; Fidesz-Hungarian Civic Party 15,000; Christian Democratic Party 27,000. Data from 1996.

the Republic. To counter the reform measures of the chairmen, Antall later appointed vice chairmen to the PSBs, reclassified the PSBs from "independent" to "budgetary" institutions, and withdrew significant amounts of committed financing. The government even launched a parliamentary inquiry against the two men – Hankiss was accused of financial mismanagement, but there was no evidence to prove the government's allegations. The political tug-of-war quickly entered the collective conscience known as the "media war", and by others as a modern-day "Kulturkampf."⁷²

Initially, the opposition Free Democrats campaigned along libertarian lines, arguing for minimised state involvement (i.e. one public channel only), in an attempt to decrease financial and thus political dependence on the government. However, most other parties in Parliament wanted to see a more ambitious state broadcaster, one that matches Hungary's presumed political and economic weight in the region. The main conflict among political elites revolved around the assignment of the ultimate authority to control the budget, and to appoint PSB directors as well as members of the supervisory board. The MDF-government saw the public service media mandated to support the government and its guiding philosophy. In the opposition's view, the public interest could only be served properly if all six parliamentary parties have a say in the choice of management. (In fact, it was this political definition of the public interest, and "politics-neutral constructivism" which later caused the failure of the media law.)

Instead of giving in to opposition demands, the government made matters worse by establishing a new television station – the satellite Duna television. Duna was communicated as "the answer to the Hungarian minority question" i.e. a channel that would serve as the common voice for the "15 million Hungarians" around the world. Watched mainly by the 3-million-strong minority community across the borders, the channel became a mouthpiece for conservative ideology, and added to the financial chaos that public service broadcasting was already in. The debate over media freedom spilled onto the streets. In September 1992, 15,000 pro-government supporters demanded Hankiss' resignation while a counter- demonstration of 60,000 people expressed solidarity. After repealing the 1974 resolution on government control of Hungarian Radio and Television, the Constitutional Court in June 1992 instructed the government to pass legislation on the matter by 30 November of that year. However, in December 1992, the Parliament rejected the first draft media law due to disagreements over how to ensure the media's independence from politics, and over the share of foreign investment in the broadcast media.

As a result, the presidents resigned in January 1993 – sweeping the way for the government to stage-manage the PSB's affairs through daily political interference, financial blackmail, the long-desired purges, as well as the intimidation of journalists and editors. The interventionism generated bitter conceptual and legal debates about the media within Parliament, spilling even more over to the journalistic community and the society-at-large. The government assumed that – despite the controversies – the interference with the media was helping to strengthen their support base. But it generated just the opposite effects. The MDF era has gone into the history books as the most troubled period of the post-communist media war in Hungary – leading to a fall in MDF's popularity, and the government's eventual defeat in 1994.

⁷² The first two years of this "media war" are documented in detail by Hankiss (1994).

The new Socialist-liberal government pledged to deliver a media bill as soon as possible, and thereby put an end to the Parliament's permanent violation of the Constitutional Court ruling. However, it first used this vacuum to purge the PSBs from the right-wing editors and journalists,⁷³ and appointed new presidents. It also launched a major reorganisation of the institutions without seeking the opinion of the opposition. The policy of the leftist-liberal government which behaved as the watchdog of the emerging democracy in the previous four years, was similarly as self-serving and interventionist as that of the conservative government.

By 1995, the most important factor leading to agreement on the new bill was probably that the drawn-out media war started to have a negative impact on all political parties, and it was widely recognised that it was better to have an imperfect law than continue in a legislative vacuum. After 16 months of debate and over 800 modification suggestions to the draft, the six parliamentary parties finally arrived at a consensus in late 1995. The Law On Television and Radio tried to satisfy the demands of all the parties, and drew initial praise from all sides. Entering into force in 1996, it provided for the liberalisation of the national broadcast market, and thus lifted the government's monopoly off news production and dissemination. Given its length and attention to detail, it turned out to be the longest, and one of the most comprehensive in the post-communist region.⁷⁴ The law provided elaborate rules about the functioning of the broadcast market and created a regulatory authority (ORTT), which had an independent status (although was appointed by parliamentary parties). It banned the establishment of broadcast outlets which would "support a political party or movement, or its views". It also stipulated that in their news or information programmes, broadcast journalists "cannot attach opinions or personal assessments to news of political nature, except for news assessment."⁷⁵

However, it soon emerged that the legislation had some major flaws. First of all, it created a public broadcasting system which was financially unviable⁷⁶ for the condition of the state budget in 1996, which had been restricted under a difficult stabilisation programme. The media law drew up a "mixed funding system" of license fees, advertising and state aid. In theory, this was supposed to reduce the risk of dependence on one particular source, however, the size and ambition of the broadcasting operation kept the PSBs' functioning entirely dependent on the Parliament and the government. In 1996, the overall PSB budget was HUF 53 billion (DEM 560 million)⁷⁷ but only one-tenth of this was stable state funding, the rest had to be secured through advertising and licence fees (approx. 34 euro/ year/ television set).

Both financially and technically, MTV was ill-prepared for the liberalisation of the broadcast market, and stood little chance at keeping its monopoly once the commercial channels began operation. Just as observers predicted, MTV lost most of its advertising revenues quickly after the commercial channels started up (in 1997), and at

⁷³ These are documented among others by a report entitled "Cleansing the undesirables from public service television", issued by the Community of Hungarian Journalists. July, 1994

⁷⁴ Nations in Transit, Freedom House publication, 1998

⁷⁵ Law On Television and Radio, 1996

⁷⁶ Finance Minister Lajos Bokros, *Uj Magyarorszag*, December 15, 1995

⁷⁷ This compares to 10.9 billion DEM in Germany (ARD, ZDF), 4.4 billion DEM in the UK, 1.9 billion DEM in Austria, 1 billion DEM in Spain, and 665 DEM million in Poland. Source: Public service broadcasters around the world, survey by McKinsey 1999

the same time, the funds collected through the licence fees were also plummeting due to the broadcaster's low-quality output, and permanent politicisation. The debt-ridden broadcast institution was never consolidated financially⁷⁸ and even after 1996, no comprehensive downsizing or rationalising of operations was performed for years.

In addition, the law failed to offer a convincing conceptualisation of "public service",⁷⁹ and thus did not cater for a democratic system of governance and of delegation. It also disappointed when it came to new, clear rules of accountability, and left the PSBs' financial survival dependent on the government. The law created three boards of trustees (one for the two national public television networks, one for Duna Television, and one for the national public radio), which were to be presided over by a presidium consisting of at least eight MPs. This not only provided direct representation for parliamentary political parties but also conserved the 1994-1998 parliamentary power-structure by stipulating that four board members must be delegated by the opposition, while four by the governing parties. This philosophy was rooted in the absurdity that there would be a quasi equality between government and opposition for decades to come.

The problem became apparent immediately after the 1998 elections when power relations no longer represented the 50%-50% breakdown, and the appointments of the boards became a bone of contention. Between 1998 and 2002, the Fidesz government only had a slight majority of seats (55%) in Parliament but its power was extended by an extreme right-wing party⁸⁰ which voted with the government on crucial issues. As this party was *de jure* in opposition it was supposed to share the four seats with the Socialist-liberal opposition parties. The three opposition parties could not agree on how to divide the four seats between each other and demanded a modification to the delegation rules. Supported by the Constitutional Court,⁸¹ the Fidesz-led government declined to support the amendment suggestions, and as a result, the boards functioned solely with government delegates⁸² for four years.⁸³

The conflict prompted the Chief prosecutor⁸⁴ to issue a position paper in which he challenged that Constitutional Court's relevant ruling by saying that the boards were "illegal" and the government's actions unlawful.⁸⁵ According to him, the boards and the

⁷⁸ MTV swallowed HUF 190 billion (Euro 724 million) of taxpayer money between 1998 and 2003 to keep it afloat. Source: *Budapest Business Journal*, June 24, 2003

⁷⁹ Ádám Horváth, a former head of Hungarian Television described the new situation as follows: "It is not only that this law does not deal with public service, but it is the presidents of the three PSBs that are entitled to define their own set of rules regarding public service for their own supervisory boards, in three different ways, with three varying contents." Horváth, Ádám: Supervisory boards and public service, *HVG*, April 10, 1999

⁸⁰ This is the Hungarian Life and Justice Party, led by writer István Csurka. The party was often referred to as the extra-governmental government party at this time.

⁸¹ In 1999, the Constitutional Court handed down a fairly ambiguous ruling on the matter, interpreted as a victory by both sides. The Court found, among others, that the operation of the four-member board was constitutional. (Constitutional Court Decision 22/1999 (VI. 30.) AB) It reasoned that Article 61.1 of the Constitution, which ensures free speech, guarantees a right to continuous public broadcasting, and the absence of a board of trustees would impose an unconstitutional limit on that right.

⁸² The television board was incomplete between 1998 and 2002, while the radio and Duna television boards between 2000 and 2002.

⁸³ A similar incident happened in Bulgaria when the former communists refused to participate in the vote.

⁸⁴ The Chief prosecutor was Kálmán Györgyi at the time.

⁸⁵ *Magyar Hírlap*, 4 February, 2000

National Radio and Television Body “can be formed exclusively from the candidates of one side, only if the other side fails to nominate candidates.” However, his advice was ignored by the governing parties for allegedly “lacking legal force”, which prompted the Chief Prosecutor to resign.⁸⁶ The political impasse generated many critics,⁸⁷ and raised a number of important questions regarding the very purpose of the PSBs, the concept of the public interest – and ultimately who the PSBs are supposed to serve. Consensus was out of reach, and the scandals not only highlighted the over-politicisation of PSBs, but contributed to their demise.⁸⁸

The delegation deadlock occurred in tandem with the PSBs’ continuing financial turmoil, and had repercussions on management decisions as the Fidesz government – following the previous two governments’ practice – appointed its own trustees to key editorial positions.⁸⁹ As the opposition tied its support to the resolution of the deadlock, the passage of some important, EU-required modifications to the media law had to be postponed (until 2002). The stalemate also generated a loss of prestige for the Fidesz government, as the crisis of the public service broadcasting received extensive international criticism, including from the EU Embassy in Hungary and the Office of the UN High Commissioner for Human Rights. A harsh report by the International Federation of Journalists⁹⁰ criticized the government’s undemocratic conduct, concluding among others, that the PSB “has been weakened to the point of destruction because of political manipulation and wilful neglect by authorities.” The IFJ even said that Hungary’s EU negotiations might be jeopardized and called on the European Commission as well as the Council of Europe to investigate the situation.⁹¹

Moving onto another central flaw of the media law, we have to mention the establishment of the politically-appointed National Radio and Television Body (ORTT), which assigns frequencies, supervises the operation of both public and commercial broadcasting stations (including monitoring changes in ownership structure, monitoring for compliance with licensing conditions, and setting fines), and allocates state funds to local and under-funded broadcasters. The political nature of this body extended the possibility of political interference to the commercial market as well. One often cited example is the very first case ORTT had i.e. the allocation of nation-wide television

⁸⁶ Various newspapers, 6 March, 2000

⁸⁷ Beyond domestic critics, both Peter Tufo, the US ambassador to Hungary, and Michael Lake, the EU ambassador to Hungary, expressed concern over these events, warning that Hungary’s reputation could be impaired if the government ignored the opposition’s demands. Prime Minister Viktor Orbán dismissed their criticism, saying that “he would not take lessons” on the Hungarian Constitution from foreigners.

⁸⁸ In 1999, an open letter entitled “For the honour of public service broadcasting” was published in *Magyar Hírlap*, on March 18, 1999, signed by 55 leading television editors, and was addressed to the Ombudsman for data protection, the Ombudsman for civil rights, the State Audit Office, the Chief Prosecutor, the PSB boards, as well as the PSB supervisory authority.

⁸⁹ *Magyar Narancs*, August 26, 1999 and September 23, 1999

⁹⁰ Report entitled “Television on the Brink: the political and professional crisis of public broadcasting in Hungary” was released on March 26, 2001 and is available at www.ifj.org/publications.

⁹¹ As a counteract, the British Helsinki Human Rights Group (at www.bhhrg.org), a London-based conservative NGO also published its report on Hungary, supporting the government’s policy, and arguing that state interference is justified as long as it is limited. What is intriguing about BHHRG’s intervention is that it reveals a deep rift even among advocacy groups regarding media policy issues. In this theses, IFJ’s efforts to understand the situation – which has included talking to all involved parties and representatives organizations – is considered more credible than BHHRG’s essay, which had been compiled without references or sources.

frequencies in 1997. According to insider sources (e.g. Seres 2001: 149, Bajomi 2001: 77) the Socialist party and Fidesz reached a secret pact regarding the winning commercial channels (TV2 and RTL Klub), thus excluding the liberal-leaning bidder, Iris Television.⁹² This deal violated not only market sense (as Iris' bid was 50% higher than the bid of the other two) but also the frequency allocation procedure – as the parties decided to ignore the fact that the existing media portfolio of RTL's owner should have disqualified it from the competition.

After its humiliation, Iris acquired a share in the commercial satellite station, TV3 (reaching 40% of the population) and ran high-quality, distinctive programming. Iris' majority owner, the American CME, successfully challenged the frequency allocation decision, and achieved a Supreme Court verdict, according to which ORTT should invalidate its contract with RTL.⁹³ However, the ruling was never enforced by ORTT, and as a final absurdity in this chain of events, TV3 was taken over by TV2 in 1999 – thereby eliminating a commercial competitor, and the threat that RTL might have to compete for its frequency with TV3. This move not only erased a significant private, public service provider from the market, but it made the political elites' commitment to creating a responsible, and independent broadcast market questionable. As part of the consensus between political and media elites, RTL retained its licence (by possibly accepting future political pressure or calls of servitude), and the head of Iris was later appointed as a presenter at one of the state-run channels.

During Fidesz' tenure, there were other policy sphere-related issues which made headlines. On several occasions, the government attempted to limit journalistic power through the manipulation of access to information laws.⁹⁴ One of the first moves of the Fidesz government in 1998 was to lift existing regulations about recording the content of government sessions. It ruled that no written or audio-visual records would be made in the future, except a summary containing the names of participants and the agenda. In a well-publicized statement in July 1999, even László Majtényi, the Parliamentary Commissioner for Data Protection and Freedom of Information, voiced concerns about this practice. Nevertheless, the government refused to revise its reporting practices. Also, more generally, journalists increasingly complained about the lack of adequate access to public information⁹⁵ and about the growing number of libel suits.

⁹² US Ambassador to Hungary, Mark Palmer, also accused the ORTT of corruption and cronyism, *Népszabadság*, February 24, 1999

⁹³ *Budapest Business Journal*, March 1, 1999

⁹⁴ According to Article 61 of the Hungarian Constitution, "everyone has the right to freely express his opinion and furthermore to access and distribute information of public interest." The Civil Code provides for "protection of reputation" by granting a right of rectification to someone who is damaged by an untrue fact or by a true fact used in a distorted or negative light. The Criminal Code prohibits insulting statements. In 1994, the Constitutional Court ruled that Article 232 of the Criminal Code – on libel – is unconstitutional because the public's right to criticise government officials or other politicians must be protected to a greater extent than its right to criticise private citizens. (Decision no. 36/1994, Article VI.24.)

⁹⁵ Article 19 of Act no. 63/1992 on the Protection of Personal Data and Disclosure of Data of Public Interest grants access to public information. The authorities must decide on whether to grant access within 15 days of an application, and in the event of a rejection, they must notify the applicant of the reasons within eight days. The authorities may charge expenses to communicating data of public interest. Applicants may apply to the courts if an application is refused.

Government politicians also often abused state secrecy laws⁹⁶ by claiming that documents were classified even when they were not. Gallup's research among journalists in 1999 found that, "too large a number of documents are classified" and that, "individual, business and state secrets are overprotected." In addition, the law does not clearly state who is obliged to keep a secret, leading to difficulties in interpreting the law when, for example, a journalist prints a "secret" which was originally leaked by a government official. Several widely publicised cases confirm the seriousness of the problem.⁹⁷ In addition, during the Fidesz-era, more cases of journalistic intimidation were publicised than normal.⁹⁸ All of the above added to the tension within the media and political communities, and increased the number of Fidesz critics.

The media wars have impacted negatively on the quality of content in all television channels. The competitive advantage on cultural programming which the PSB has traditionally had through its archives and expertise, has been totally eliminated. Programming on the three PSB channels still contains 73.4% public service programming⁹⁹ but because of the packaging of the programmes, and the politicisation of the stations, the stations attract only under 10% of the overall population, mainly the elderly. (This in itself is a very negative trend, especially given that the large majority of European Union PSBs are still market leaders in terms of audience share.¹⁰⁰) The PSB has lost its most important audience throughout the years – a well-educated societal segment, which consumes high culture and is most likely to actively participate in debates over matters of public concern.

In terms of its classification, the Hungarian public service broadcaster would today belong to the most disputed McKinsey category – the second cluster, where market share is given more priority over distinctive programming. Although this trend is

⁹⁶ The law provides for secrets to be classified as such through a procedure according to Act no. 65/1995 on State Secrets and Official Secrets. The classifier can mark data as secret if it belongs to a list of categories contained in the annex of the Act and if the classifier can establish that publication (before the expiry of validity and unauthorised acquisition or use) would without doubt damage or jeopardise the interests of the Hungarian state.

⁹⁷ One of these is the story of László Juszti, a prominent journalist, who in June 1999 was charged with revealing state secrets in his weekly newspaper, *Kriminális*. The paper had published documents that disputed claims made by Fidesz that the previous government had engaged in illegal spying on Fidesz party members when the party was in opposition. The published documents contained information that there was no proof of such a claim. The outraged government sent the police to search the journalist's home and office, had his computers confiscated and had him arrested for seven hours. The case appeared on the desks of the Budapest Chief Prosecutor, the Deputy Chief Prosecutor and even the Minister without Portfolio for Secret Services. The investigation dragged on for months and was finally closed down by the Chief Prosecutor who dropped the charges. (Source: *Magyar Hírlap*, February 5, 2000) The journalist however lost his contract with Hungarian television and saw his image tarnished.

⁹⁸ For instance, a hand grenade exploded in the yard of a downtown building which houses the offices of the government-critical literary and political weekly *Élet és Irodalom*. (Various newspapers, December 28, 1999) The paper had carried a series of articles on the selling of a part of real estate by Fidesz when in opposition, and alleged that with the intervention of companies belonging to the party, some money found its way to the mining company owned by the father of Prime Minister Viktor Orbán.

⁹⁹ These figures represent 2001 averages for three public service stations (MTV1, MTV2, Duna) and two commercial channels (TV2, RTL). They have been calculated on the basis of a detailed ORTT survey regarding programme structure on Hungarian television, 2001

¹⁰⁰ Only in Greece and Portugal is the PSB behind commercial channels – in the fifth and second position respectively. Source: Picard, Robert G.: The audience economics of EU public service broadcasters. Assessing performance in competitive markets. Discussion paper, 2001, Turku School of Economics

shared by countries like the Czech Republic and Poland, it is particularly regretful given the broadcaster's previous focus on high-quality cultural and educational programming.¹⁰¹ The dramatic change of direction suggests that political elites failed to recognise that the main indicator of success should not be the PSB's audience share but its niche programming. Public service programming is also provided by commercial channels (28.7% of total programming),¹⁰² but its style is often on the verge of infotainment (or tabloid news), while distinctive programming is limited to less competitive, off-peak slots.¹⁰³

The media law stipulates that all national broadcast stations have a legal obligation to be objective in their news programmes at all times, and that they cannot serve political party interests. (The law fails to provide for clear rules regarding election coverage, there is only an ORTT recommendation that channels stay objective.) However, Fidesz claimed that the two commercial channels, TV2 and RTL, support their political rivals and cannot be trusted to perform any public service functions. Similarly to the informal links in the press, it is widely believed that there are close ties between station leaders and high political circles, and it is alleged by insiders that both channels prefer to see the left-wing/liberal coalition in power (although mainly due to its less confrontational media policy).

However, survey data suggests that these informal ties do not compromise the channels' independence. According to ORTT's monthly surveys of news programmes, both TV2 and RTL allocate a significant amount of airtime to the incumbent government, irrespective of its composition.¹⁰⁴ At the same time, both TV2 and RTL provide balanced coverage during both elections,¹⁰⁵ in fact, in 2002 they gave more coverage overall to the Fidesz government than to the opposition that they allegedly support. However, it has been argued (e.g. Seres, 2001) that this is mainly due to their conflict-avoiding strategy. This is also underscored by the low amount of critical, investigative stories, and their decision to not run political ads in the 1998 campaign, arguing that it would give the richest party an unfair advantage.¹⁰⁶ (While this highlighted the stations' wish to stay objective, it did not survive as a permanent feature – in 2002, RTL abandoned the practice.¹⁰⁷)

Within a few years, TV2 and RTL had the highest audience figures in terms of their evening news programs (37,7% and 37% respectively – as opposed to MTV1's

¹⁰¹ The author's analysis comparing the hours of distinctive, cultural programming in 1986, 1996, and 2002 shows that Hungarian television had drastically reduced the amount of cultural programming it aired in the 1980s. (Analysis done from weekly television programme guides.)

¹⁰² These figures represent 2001 averages for three public service stations (MTV1, MTV2, Duna) and two commercial channels (TV2, RTL). They have been calculated on the basis of a detailed ORTT survey regarding programme structure on Hungarian television, 2001

¹⁰³ Peak time (evening slot) public service broadcasts have been reduced from 66,8% in 1992 to 48,4% in 2001 on the overall television market. Source: ORTT survey regarding programme structure on Hungarian television, 2001

¹⁰⁴ Longitudinal study of ORTT data gathered in 1999, 2000, 2001 and 2003. A series of reports entitled "Analysis of the coverage of news programmes", available at www.ortt.hu

¹⁰⁵ Analysis of election campaign coverage, 1998 and 2002. ORTT

¹⁰⁶ *Budapest Business Journal*, March 16, 1998, and ODIHR Final election report, Hungary, 1998

¹⁰⁷ However, this was not immediately financially successful. Both political blocs focused their advertising campaign for within the two public channels. As a result, the PSBs ran four times as much political advertising as RTL Klub. Source: ORTT survey on the comparison of political advertisement in 1998 and 2002.

17,1%), and given their success and power, Fidesz decided to further extend its “media equilibrium policy”. Prior to the 2002 elections, it made an offer to acquire TV2 through an associated company (Vegyépszer), but the deal never went through.¹⁰⁸ In a second attempt, following the 2002 election, which Fidesz lost, leader Viktor Orbán suggested that the media law be amended to allow the division of the Hungarian MTV1 and MTV2 channels into two political channels – one for each power group.¹⁰⁹ This controversial idea (resembling once again the development assistance model) is rooted in the widely-criticised Italian practice of *lotizzazione*, i.e. the carving up the broadcast media according to the balance of political forces in parliament.

This was also an integral part of the strategy on behalf of Fidesz to conserve power relations between the two currently two biggest parties. However, the idea was never endorsed by the Socialist-Free Democrat government, which prompted Fidesz leaders to turn to the last resort and set up their own television station. Managed by a former Fidesz spokesperson, Hir TV (News TV), was launched on cable in December 2002, with a declared goal of “representing civic and national values”.¹¹⁰

Unlike other institutional legislations, the drafting of the media law was not carried out in consultations with any Western institutional or financial adviser – which most likely had an impact on the pace of events. International financial institutions, such as the World Bank and the IMF, did not provide loans and expertise for media reforms – even though they did in most areas of the state administration reform. At the same time, as mentioned in the Theory chapter, neither did the European Union have a coherent model of public media to export to the candidate region, nor did it provide institutional assistance in this field. Looking back on the process, it is unlikely though that an extensive Western assistance scheme would have speeded up the process. Any type of foreign intervention would have been perceived, by both political elites and publics, as an overwhelming meddling in domestic cultural affairs. A good indicator here is the fact that the first PSB chairmen turned down US advisors who advocated the creation of a minimal public service system,¹¹¹ and the fact that despite widespread rhetorical support for the implementation of BBC practices,¹¹² no such reforms were carried through. Having said that, the financial considerations should have been taken much more seriously, and the political elites possibly should have strived for a less ambitious PSB system, which provides high quality cultural programming, and does not wish to compete with commercial channels.

All in all, the 1996 media law failed to eliminate the political and economic interference in broadcasting, and did not show enough dedication on behalf of political elites to create a public service institution that is based on social democratic foundations. The media law remained a constant discussion topic, and several attempts were made at amending it, thus far without success. In 2003, the Prime Minister's Office released a discussion paper¹¹³ proposing a more libertarian conception of the broadcast media. Inspired partly by the financing structure of Channel Four in the

¹⁰⁸ *Népszabadság*, January 15, 2002

¹⁰⁹ *Magyar Nemzet*, September 1, 2002

¹¹⁰ This channel is funded by business entrepreneurs close to the Fidesz government (1998-2002).

¹¹¹ Interview with Elemér Hankiss, October 1999

¹¹² Mungiu-Pippidi (1999)

¹¹³ “Egy új médiatörvény alapjai” by Gálik M., Horvát J., Szenté P. (The foundations of a new media law). Published on the website of the Prime Minister's Office, June 2003

UK,¹¹⁴ this advocates a brand new “transitional” media law which would introduce a complete ban on PSB advertising. If the government allowed a comprehensive reorganisation of the institutions and provided for a stable cash flow, this would in theory push the PSB toward a first cluster position.

However, there are some weaknesses in the plan. The proposal wishes to compensate the PSB for the lost advertising revenues through the levying of an *additional tax* on the profit of rival commercial channels. (Commercial broadcasters are already obligated to pay a certain percentage of the advertising revenue into the ORTT-administered “Broadcast Fund” which, among others, supports the PSB.) The proposal claims that this tax would be justified given that the commercial channels will have a larger advertising market to work with. But this idea is misguided given that the PSB currently possesses only a very limited market share, thus the levied tax and the gained market share for commercial channels might not be proportionate.¹¹⁵

What is worse is that such an amendment would allow commercial channels to abandon all mandatory public service programmes (except for the evening news programmes). Therefore, it would naturally be supported by the profit-seeking channels, which have long called for a more libertarian media law, arguing that the current licence fee and the strict programming regulations are disproportionate. These channels have wanted to see less regulation and more opportunity to air entertainment programming, and are pleased to see the abolishment of all public service obligations. Such an arrangement however could significantly lower the quality of commercial broadcasting.

From the very beginning, TV2 and RTL have injected a highly commercial element into the policy sphere, finding the lowest common denominator for a large segment of society. These channels follow the tabloidisation strategy, where politics is more scandalized, and the news are priorities according their “human interest” value, or their level of violence and controversy. Political events are mostly presented in the context of moral scandals and conflicts.¹¹⁶ The combined effect of these two regulatory changes would therefore speed up the marginalisation of quality broadcasting – moving the broadcast sector further away from safeguarding societal values.

In a positive development, the discussion paper proposes a reform of the regulatory authority ORTT, as well as the management boards, and calls for a stable PSB financing solution for years ahead. However, regarding the latter, it leaves the PSB financially dependent on the state budget. On the long run, the additional fee on commercial channels might arrange more indirect advertising funds for the PSB than it can secure now, but it will make PSB funds dependent on market trends in advertising. Lastly, another problem with the discussion paper is that it does not deal with the

¹¹⁴ Conversation with Miklós Haraszti, who participated in drawing up the proposal. July, 2004

¹¹⁵ The station's ad revenue plummeted from Ft 17.6 billion in 1997 to just Ft 1.9 billion in 2002. Source: Budapest Business Journal, June 16, 2003.

¹¹⁶ According to Peter Csígyó's research data, 60% of all political information in the evening news programs is presented in such a way. Source: The construction of public affairs in different organs, in Communication Culture in Transition, ed. by Schleicher, N. (2000: 103-117)

regulation of internet content despite the fact that some internet newspapers have larger readerships than traditional newspapers.¹¹⁷

4. THE INTERNAL DIMENSION OF MEDIA REFORM

The tensions which emerged between political elites, and between the elites and the media over questions of representation had a remarkable impact on the internal growth potential of the media, and the professionalisation of journalists.

Before 1989, journalists worked under tight political control and institutional censorship. Professional training for journalists did not exist, hindering the media sector's professional advancement. After the system-change, specialized mass communication schools emerged, and the level of qualification became an important factor in the media recruitment process. The number of qualified journalists increased and the ratio of those holding a college or university degree grew from 46% in 1968 to 84% in 1997.¹¹⁸ At the same time, political preferences remained an important determinant for journalists in choosing media outlets. As a result, the work environments taught journalists different types of ethics and practice.

While news and commentary have been separated in all respected political media outlets, because of the politicised nature of the print media and the public service broadcasters, the overall media landscape cannot be described as having reached a high degree of objectivity. Instead, the democratic requirement of pluralism is widely interpreted by the journalistic community in the external sense i.e. that the overall media landscape should be responsible to provide a pluralism of views, rather than it emerging within every single media outlet. Based on that conviction, there have been few attempts at accommodating right-wing opinion articles in the leftist press, and *vice versa*.¹¹⁹

The first decade of transition witnessed a growth in the number of investigative stories, but investigative journalism is still not as widely practiced as at Western, e.g. UK or American newspapers. A survey of articles in daily papers shows that many journalists work with the government in an "embedded manner" (i.e. follow them to official trips and report from the scene), and many have become accommodated to working on the basis of press releases. The only exceptions are lower circulation weeklies such as *ÉS*, *HVG* and *Figyelő*, and perhaps the financial daily *Világgazdaság*, which publish revelatory and original pieces regularly.¹²⁰

¹¹⁷ The 2002 "National Media Survey" by Sonda Ipsos and GfK research institutes indicates that the political and general interest website www.origo.hu outperformed the weekly HVG, and all three national dailies, except *Népszabadság*. Source: *Budapest Business Journal*, October 21, 2002

¹¹⁸ Vársárhelyi (1999: 28)

¹¹⁹ And when there were, they failed. One well-known case is when the editors' of the liberal paper *Magyar Hírlap* brought in a right-wing columnist (István Elek), both its readers and its traditional columnists resisted the idea. In the end, the editor-in-chief decided to abandon the idea. July 13, 2000, *Magyar Hírlap*. However, the English-language paper *Budapest Business Journal* successfully altered the publication of left-wing and right-wing opinion columnists between 1998 and 2002.

¹²⁰ Random survey performed by the author. October of years 1998, 2000 and 2002. Parliamentary library, Budapest

This is confirmed by a focus group survey by Gallup, according to which journalists say that owners have no interest in investigating about potential or existing advertising clients, and editors are not willing to devote the resources needed to support investigative journalism.¹²¹ This survey also reveals that journalists consider the public and even the journalistic community at large indifferent to stories of journalistic intimidation or harassment. They also believe that, if accused by journalists, public officials generally refuse to assume responsibility for wrong-doing as long as they are not forced to do so by "real" i.e. legal means.¹²²

Further, journalists also fear being threatened by criminal groups – in 1997, 67% of Hungarian journalists felt that there are taboo issues which cannot be written or even spoken about,¹²³ and most of them named organised crime as one. According to Gallup, they also testify that they would risk their positions if they revealed controversial evidence regarding political parties. At the same time, it was pointed out that when they publish incriminating material or evidence, there is a chronic lack of follow-up by courts and district attorneys. In my view, this is partly due to the oversupply of sensationalist reports which has occurred as a result of the fierce competition between newspapers and commercial televisions after 1997. Due to the accumulative effect, the relative weight of revelatory reports have come to yield a weaker influence on political elites. For all the above reasons, the agendas in the largest circulation political media outlets are largely set by the political and business elites.

The general level of journalistic skills and ethical culture is also low – which manifests itself in the growing number of lawsuits against newspapers, the frequent use of anonymous sources, as well as widespread practice of submitting interviews for "approval" before publication. When asked about the general state of media freedom, journalists gave Hungary a worse rating than Freedom House itself. The responses to the question: "In your view, is the press completely free, partly free or not free at all?" have changed in the following manner between 1992 and 1997:

**Table 1. Views the state of media freedom in Hungary
(in percentage) Source: Vászárhelyi (1998a)**

	1992	1997
Completely free	45	27
Partly free	51	69
Not free	4	4

Journalists believe that the contractual arrangements under the new market-based structures have increased the vulnerability of all media workers. Because of the arrangements provided in the tax regulation, employers and media workers are both better off financially if journalists are hired as individual entrepreneurs as opposed to permanent staff. As a result, around 75% of all journalists are now working as

¹²¹ Qualitative survey regarding the corruption phenomena, 1999 and 2000, Gallup Institute, Hungary

¹²² Ibid.

¹²³ Vászárhelyi (1999: 126)

freelancers or on fixed-term contracts.¹²⁴ The employment arrangements – which consider cost-cutting a higher preference than providing job security for journalists – thus undermine the professional status of journalists, and create a precarious employment relationship.

Due to the low average salaries – monthly net HUF 100,000 (or 400 euro)¹²⁵ – many journalists have been seduced by the financial advantages of camouflaged advertising and PR articles. The first investigative report which exposed this practice with regard to the print media was published by the *Budapest Business Journal*, an English-language business weekly.¹²⁶ In 1996, the paper found that six out of the (then) seven top dailies regularly accepted money for publishing promotional articles without identifying the articles as such. It was revealed that *Népszabadság*, *Népszava*, *Magyar Nemzet*, *Új Magyarország*, *Napi Gazdaság*, and *Világgazdaság* would publish – and in some cases write – favourable articles in exchange for HUF 100,000 to 300,000 (USD 690 to USD 2070). Only *Magyar Hírlap* proved an exception. According to the charges, some Hungarian companies received five to six threats a year from newspapers that say they are preparing to publish negative stories about them. The papers' representatives then propose that the companies write their own versions – for a price.

Many observers considered the publication of paid-for stories an “everyday practice”, saying Hungary could not sustain this many national dailies otherwise. The revenues resulting from the publication of camouflaged advertising are estimated to constitute up to 10% of a newspaper's total income. The wide implementation of this practice suggests that morals have sunk low in the Hungarian media, and economic survival has been given more priority than integrity. But strangely enough, the findings did not stir much controversy and were given little publicity in the Hungarian-language media – which even further added to the credibility of revelations. Only one paper, the liberal weekly *Magyar Narancs*, acknowledged the English-language weekly's investigation by reprinting excerpts in Hungarian.

This non-transparent practice has led to an undesired integration between large segments of the media system and the economic society, and has also generated a significant amount of self-censorship, particularly about advertisers. I would argue that aiming for a maximization of editorial independence from business groups and advertisers could have been a feasible option for both large circulation papers like *Népszabadság*, and smaller ones like *Magyar Hírlap*. The example of the small circulation *Budapest Business Journal* shows that it is possible to survive on a developing market with wholly separated editorial and advertising offices. Also, this is the only paper in the country which has secured the respect of its readers and its sources (both political and business elites) despite its consistent practice of not allowing a review of articles before publication. It is attracting advertisers and producing profits despite its critical stance against all market players.¹²⁷

On a positive note, however, the appearance of commercial channels brought about a growth in the autonomy of television journalists, and the overall commercialisation of the media market strengthened the identification of journalists as

¹²⁴ Op. Cit. Television on the brink: IFJ report, 1999

¹²⁵ This data is valid for 2003.

¹²⁶ *Budapest Business Journal*, July 29, 1996

¹²⁷ This information is based on the author's work experience at the paper in the 1997-1998 period.

public watchdogs. Liberalisation destroyed state monopoly on the airwaves, and commercial channels have quickly become the primary source for political news and information. By 1998, television viewing hours grew to 4 hours on average per inhabitant, the double of the 1988 figure¹²⁸ – increasing the society's intake of news on issues of public concern, and strengthening perceptions about the importance of the journalistic profession.

The conceptual differences between the opponent political groups manifested in the polarisation of the journalistic community into groups of politically partisan and independent/ critical journalists. By 2002, both political camps had secured the direct support of some print media – the Hungarian Social Party was supported by *Népszava*, while Fidesz by *Magyar Nemzet*. The majority of journalists, however, managed to preserve their independence from political parties, and even those working for the partially parallel *Népszabadság* and *Magyar Hírlap* considered themselves to be in the independent category. The disputes regarding the different styles and quality of journalism have polarised the entire journalistic community and hindered the advancement of collective professionalisation.

Fidesz' open questioning of the moral and professional integrity of *all* political journalists was perceived as a generic stigmatisation of the journalistic community, especially on the liberal side. This led to growing antagonism toward the right-wing government within the critical press. (The Fidesz campaign also had an influence on audiences, and in 2001, only 3-6% of the population thought that reports on television and in the daily papers are completely truthful, and only 4% of the adult population trusted journalists completely.) The disputes also brought about divisions in representative organisations. In 1992, six hundred conservative journalists split from the 6,000-member Hungarian National Journalist Association (MÚOSZ), and created their own organisation under the name Community of Hungarian Journalists (MÚK). In 1994, the even smaller, leftist Hungarian Press Union was created. Today, MÚOSZ continues to be the biggest association, but its efforts to create a nation-wide code of ethics have so far failed.

Ironically, the unsatisfactory levels of professionalism have contributed to the successful implementation of the media equilibrium policy and the application of political pressure in general. According to a 1998 study, political manipulation attempts were regular in all types of media.¹²⁹ Of all surveyed media workers, those working in MTV gave journalistic autonomy the worst rating.¹³⁰ Journalists claim that the level of interference in their daily work has become unbearably high, and many refused to participate in a 2003 survey by the OSCE on media concentration, citing fear or the uselessness of such exercises.¹³¹ The following tables show that television has the highest political interference results and it also suggests that attempts at manipulation by business groups are particularly high in the case of print media.

¹²⁸ The exact figures are as follows: 1988: 15 hours/week, 1997: 28 hours/ week, per inhabitant. Data by AGB agency. Media Book, 1998

¹²⁹ Vásárhelyi & Halmai (1998b: 303-317)

¹³⁰ 53% of PSB television journalists rated the level of autonomy high, while at the radio, as many as 72%. Source: Vásárhelyi & Halmai (1998b: 303-317)

¹³¹ "The impact of media concentration on professional journalism," OSCE survey, December 2003

**Table 2. Ratio of successful attempts by *political groups* (1997)
(in percentage) Source: Vásárhelyi (1998b)**

Attempts to interfere with programming content	PSB television	PSB radio	Average print media
In most cases	13	0	11
In few cases	58	60	40.75
Never	17	40	38.75
Other answer	12	0	9.5

**Table 3. Ratio of successful attempts by *business groups* (1997)
(in percentage) Source: Vásárhelyi (1998b)**

Attempts to interfere with programming content	PSB television	PSB radio	Average print media
In most cases	4	0	13.5
In few cases	64	42	48.5
Never	16	16	28
Other answer	16	16	10

With regard to television, two-third of journalists thought that the media law further institutionalised the influence of political parties over the PSBs, rather than liberating broadcasters from under political control. More than half of them thought that the situation within the PSBs was generally worse than before the media law.¹³² In interviews with the author, senior Hungarian journalists said that both the spirit and the wording of the media law is flawed – instead of protecting and strengthening public service, it has encouraged its demise. Irrespective of who was in government, the laid-off staff at MTV constantly complained that their work was controlled by the Prime Minister's Office and that self-censorship was rife in the face of political influence. Journalists have also raised concern regarding the lack of transparency in the provision of PSB contracts, and of discrimination in commissioning work. Overall, they testified to a lack of competence in the management and a politically-driven process that victimised the workforce and undermined public service values.

Amidst the controversies within and around the media sphere, it is important to look at the spill-over effects as well. As argued in the previous chapter, the development of political culture and institutions can be considered intertwined, which therefore makes it difficult for us to establish an order of development. But there are certain dynamics in society that can be clearly identified when assessing the media reform's impact on the political culture. There is indication that the fragmentation within the media sector led to the weakening of many post-communist democratic ideals, and to serious cleavages within society. At the same time, citizen alienation was on the

¹³² Vásárhelyi & Halmai (1998b: 303-317)

increase, and support for traditional political procedures, institutions and organisations declined. While in 1998, there was no guarantee that the "two-party system" is a final destination for Hungary's democratic transition, as a result of the Fidesz's overall engagement, a division into a bipolar political power structure is now imaginable.

Fidesz' symbolic politics, or divisional (and often exclusionary) identity politics played on some existing paranoia about corrupt elites, communists and certain minority groups, as well as on the hardships generated by the system-change. As Bozóki argued (2002), the "us versus them" dichotomy induced critical societal tensions at a time when the overall aim should have been democratic consolidation. The government's use of the rhetoric of "a second revolution", a political language driven by a fear of the return of communists was labelled as one of "deconsolidation". As Bozóki wrote "the tension that was created by the clash between the revived symbolic politics and the consolidation tasks of the government undercut the sincerity of the government's actual commitment to democratic consolidation". Orbán's identity politics divided the nation and created two clear, separate paths for the development of political cultures. (Bozóki, 2002)

This can be understood even better if we place citizens into three categories of political consciousness, as suggested by Örkény and Csepeli (1992). Citizens at the "pre-conventional stage" are a silent, politically anonymous majority, who are mainly influenced by emotive slogans, political symbols and popular leaders who resort to demagoguery. Citizens at the "conventional level" are usually the conformists, the unhesitant advocates of the prevailing system of law and order. The highest level of political consciousness, and the ideal according to the authors, is exhibited by the so called "post-conventional" citizen. In essence, the post-conventional political behaviour supplies society with the capacity for political and ideological innovation and adaptation, and makes it impossible for radical political ideologies to be accepted. The successful operation of a democratic society depends mostly on the relative balance of these types.

In my view, the media reform process has led to a strengthening of the first and the third groups – the first gathering most right-wing supporters together, and the third gathering the more liberal minded voters who are sensitive to the excesses of the state. It is along these lines too, that public opinion became polarised – leading to the total eradication of any chance for a consensus-seeking public discourse. It also led to a realisation among intellectual elites that the quality of the political culture does not make it possible to conduct high-quality discussion.¹³³ The heated public disputes led to an increase of extremist voices in the policy sphere, and mounted to such a powerful scale that it left a deep scar in the public conscience.

All in all, the post-1989 policy sphere has been abundant in symbolic action, and the emphasis placed on easily identifiable symbols grew out of proportion.¹³⁴ As a result, the media reform process in Hungary has led to the emergence of an ideologically divided, excessively politicised and fragmented societal realm. The rational-critical debate has become outweighed by loud, populist discourse, so much so that the different styles of political communication became incompatible, and

¹³³ This prompted the majority of intellectual politicians to gradually leave political life altogether.

¹³⁴ Bozóki (1998) collected a number of key words of the system-change to illustrate the divergence in political rhetoric between political forces.

untranslatable to the language of the other, which made it difficult for various political formations not only to reach consensus but to articulate clashing political ideas.¹³⁵

4. CONCLUSION

The above analysis has shown that the Hungarian media sector has undergone a major transformation, it has been extensively liberalised and deregulated, and several aspects of democratisation have been achieved. The political rivalry between parties has generated highly interventionist forms of media management, in which elites on both sides of the political spectrum aimed to find covert ways of continued control. The social democratic and development assistance models were the topic of the day, but the lack of a systemic approach by the political elites has led to the persistence of some authoritarian elements.

Every attempt to provide state support to the media was blown out of proportion by political rivals – largely annihilating the potential of any consensus-seeking debate on a non-politically managed system of media support. The Hungarian intellectual and academic community is extremely divided over the *raison d'être* of the right wing's interventionist policies, and any attempted analysis is often quickly dismissed as "liberal" or "conservative" propaganda. The application of the four theories perspective has allowed us to assess the "media equilibrium" policy in an objective and independent manner, and avoid the trap of calling it "anti-democratic" just because it does not easily fit into the traditional social democratic or libertarian frameworks.

With regard to theory, the biggest problem in Hungary seems to have been that there was no intelligent discussion, let alone consensus, on some form of transitional model for the post-communist media system. Intellectual elites predominantly argued for the application of a social democratic model in the broadcast segment, and the libertarian in print, and expected media democratisation to happen without a substantial transitional period. However, the implementation of these ideal models has been protracted and largely failed. Today, the Hungarian public service broadcasting system does not perform its intended social and cultural functions. The 1996 media law failed to eliminate political and economic interference, thereby impacting negatively on the overall transformation process.

In terms of the print sector, the first explicit attempt to reform the media system according to the more specific needs of a transitional society was carried out by Fidesz. In their "media equilibrium policy", Fidesz argued – to a degree justly – that throughout the 1990s the redistribution of media power favoured mostly the leftist system-changing elites, and that these media outlets never managed to divorce themselves entirely from political parties. However, the main problem with the Fidesz' strategy was that it promoted a development assistance model for the *entire* media system, and their suggestions for implementation, and their argumentation in light of their semi-authoritarian actions failed to come across convincing. While Fidesz indirectly promoted a return to a system of state-controlled media, what it essentially aimed at strengthening was its position as a political party.

¹³⁵ This observation was first made Ágh (1992a: 2) but is even more valid now.

The case study illustrated how the "media equilibrium" debate was complicated by the fact that from early 1990s, the libertarian argument seems to have dominated the discussion on press ownership. Consequently, not only that a significant degree of non-transparency developed regarding political party influence on newspapers, but the combined effect of this, and the prevalence of the democratic "ideals", have made it difficult to even theoretically consider the potentially constructive effects of an open political parallelism. Overall, the findings of this research suggest that constructive policies may only emerge in a more mature stage of democratic development, following years of political negotiations and societal debate on issues of media democratisation.

Until this occurs, some temporary solutions should be found, among which the most important one would be the setting up of an elaborate and ambitious, non-politically managed press fund. This is called for especially in light of the trends that the informal political funding of the media sector is estimated to be higher than the official support offered through the currently operating public funds. The problems encountered in this analysis also tempt the researcher to craft some kind of theoretical "transitional media model" which could generally guide policy reform. Most probably some kind of combination of the four applied theories could provide an ideal model, against which the media democratisation process could be designed and executed, at least in democratic transitions in which the elites have a commitment to reform and where the economic conditions are favourable. Such a model could serve as a point of reference for all societal and political actors in the debate regarding media reform, and could be a useful guidance for international democracy assistance i.e. donor funding and development projects (if and when applicable).

Given the relative weakness of political and societal representation structures and the existence of legitimate political party needs to communicate ideas, we could argue that the development assistance model can be and should be considered a legitimate aspect of emerging democratic media systems (even if only minor). However, for it to prove conducive for democratic development, this model needs to be in an appropriate balance with the social democratic model, i.e. the latter should clearly dominate the overall media system.

Translating that to explicit operational conclusions, we could argue that as long as the broadcast systems are reformed to accommodate both commercial competition and a truly independent public service broadcaster (i.e. funding, appointments, supervision etc.), the political elites *can* make a legitimate argument for a more dominant application of the development assistance model in the print media realm. While allowing for market-based competition – and thus the emergence of independent publications according to the needs of society – this model would concentrate power struggles between political parties in a print space which is not as dominant and controlling as television, and would create a system which is transparent and pluralistic in terms of political party representation.

While this of course might be criticized for preserving some form of political control over many of a given country's key daily newspapers, it is more important that this arrangement would restrict the political competition within the communication space to the print sphere *only*. Given the potential contribution of an independent PSB to the development of a democratic policy sphere, this balanced media model would gradually ease the political tension within the media system, and chart the path for an

eventual transition from strong to partial political parallelism, and further independence in the print segment. Such an arrangement within the new media structures would provide a clear framework for a new system of societal participation and representation in the new policy sphere.

Given that this is a retrospectively-applicable theoretical proposition it is difficult to imagine it today, but I would argue that such a system would have indeed produced some positive results in relation to the quality of the democratic dialogue. First of all, it would have introduced full (or at least more) transparency into the system, allowing citizens to make more informed choices about what they consume. It also would have created a closer relationship between political institutions and society, allowing political parties to better express and define themselves. For example, the quality and style of the respective openly politically-aligned newspapers would have said a lot of about how the various parties communicate and prioritise, it could have encouraged parties to target starkly different segments of society and thus might have even limited the development of populist, catch-all parties. It could have created virtual communities and increased debate on matters of public concern – as a consequence of which it might have encouraged more political participation and engagement by society.

In the print sector, this model might have been a better guarantee to create a pluralism of political voices in the external sense, instead of trying to create independent, internally pluralistic outlets. This of course is not to say that the ultimate aim of media reform is not the reaching of full political and economic independence in all segments of the media system. However, as this study has shown this does not seem to be a realistic aim in the initial decades of democratic transition. Therefore, it may be more conducive to aim at creating transparency and maintaining a high quality of output as opposed to aiming for a swift transit solution to independence through the privatisation of media outlets to foreign owners. This could provide a way to maximise the central communication values – societal participation and representation – while, by placing the society-political party relationship on a different footing, it could also contribute to improving this often delicate relationship.

The idea of this transitional model is based on the specific Hungarian experience, therefore it remains a highly hypothetical and theoretical proposition. While it is impossible to test whether it would have worked, further theoretical elaboration would be necessary to see whether it could be applicable in other transitions.

CHAPTER IV.

CASE STUDY OF UKRAINE

As in the case of Hungary, the reform of the media system in Ukraine has been tightly linked to the development patterns of the post-communist transformation process. Similarly to the previous discussion, the following chapter is an attempt to present the core characteristics of the post-1991 media reform process, in order to understand the key aspects of the Ukrainian media experience, and to find analogies and differences with the other countries under scrutiny. This section will review developments up to the most recent presidential elections in October-November 2004, in which political corruption and the state of the media freedom featured as important themes.

After declaring independence in 1991,¹ the Ukrainian government faced multiple challenges – in addition to the need to democratise and build a market economy, successive governments were burdened with the challenge of nation-building and state-building. The authorities confirmed their intention to develop a civil society, guarantee freedom of speech and other universal human rights in the 1996 constitution, and in the commitments they took up after joining the OSCE (1992) and the Council of Europe (1995). They also pledged their wish to join the European Union and NATO, and ratified all relevant international laws in the area of media freedom.

However, Ukraine's post-Soviet transition has been plagued by the lack of an efficient transformation strategy, and the unwillingness of its political elites to develop democratic forms of governance. Ukraine is aptly described by Carothers to have thus been stuck in the "grey zone" of post-communist political system, alternating between "feckless pluralism" and "dominant-power politics". (2002: 10-11) The post-Soviet elites (mainly President Leonid Kuchma and his associates) have adopted the basic institutional forms of democracy but have manipulated the political process to ensure that their political and financial power positions remain intact. This semi-authoritarian form of governance has significantly narrowed the space for media democratisation to occur, and limited the growth potential of both a democratic civil society and an opposition political force. The political opposition has been fragmented but strengthening since Kuchma's re-election as president in 1999, and the dire situation in the media sector is increasingly being put on the domestic and international political agenda.

Post-Soviet Ukraine is a multi-ethnic society, still struggling to define its identity against the backdrop of strong Russian influence. Historically, the Ukrainian national identity was oppressed through ethnic cleansing and discriminative policies by

¹ Declaration of the Supreme Soviet of Ukraine on August 24, 1991. The text is available at <http://www.ukrweekly.com/Archive/1991/359101.shtml>. The proclamation was confirmed in a referendum in December 1991. On the same day, Leonid Kravchuk was elected president with 61.59% of the popular vote.

the Russians throughout the 19th and 20th centuries,² and in the post-1991 period, the renegotiation of the Ukrainian-Russian relationship has been the focus of much intellectual and policy debate. According to the latest census (2001), 77.8% of the country's 49.5 million population are ethnic Ukrainians, 17.3% are ethnic Russians, while the rest belong to small minority groups.³ Language groups, however, do not correspond entirely to ethnic groups – the majority of Ukraine's citizens are bi-lingual, and only 66.3% consider Ukrainian their mother tongue, while as many as 31.3% – mostly in the country's industrialised East – are native Russian-speakers.⁴

Minority rights have been widely recognised by law, the 1992 statute On National Minorities, for instance, guarantees minority communities the right to cultural-national autonomy, including the use of their native language and "the satisfaction of [their] needs in literature, art and the mass media" (Article 6). However, the constitution only recognises Ukrainian as the official state language, and – with the support of the majority of political elites (except the Communist Party of Ukraine, which remained a significant political force in opposition) – the government has been adopting "Ukrainianisation" policies in all areas, including in the media, as part of its nation building strategy. As a result, several laws have been enacted to restrict or even ban Russian as a language used by the media.

This was in line with the thinking of many powerful Ukrainian intellectuals who argued that the development of a Ukrainian identity should take precedent over the preservation of a Ukrainian-Russian multi-ethnic state (i.e. a so-called "Eastern-Slavic" identity). They rejected Western calls to accommodate the Russians as a constituting nation, and referred back to the unjust de-Ukrainianisation policies of the past, as well as to the process of nation building in the West to justify claims that affirmative action on Ukrainian culture and language does not necessarily contradict democratic values or aspirations (e.g. Kuzio, 1999: 6, Kuzio & D'Anieri 2002: 16).

However, the authorities' official pro-Ukrainian policies in the media have not been applied consistently, partly due to the Russian community's strong support for Kuchma, who has strong Russian family roots, and partly because of the lucrative profits that Russian-language media generate for the country's powerful oligarchs. The status of Russian as a second official state language remained permanently on the agenda, but the debate was rooted less in the need for more elaborated minority rights but rather in Russia's continuing influence in Ukraine's domestic policies.

In transitional multi-ethnic societies, any discussion on the media reform would in theory have to include an analysis of the minority media policy. In the case of Ukraine, that would involve the examination of the kind of national culture and identity that political elites promote through the new media system. However, due to the fact that the post-Soviet Ukrainian governments failed to draw up a comprehensive strategy regarding the media representation of various ethnic, or language groups, there is no

² The most radical of these include the Stalin-induced starvation in 1932-33, in which an estimated 6-7 million Ukrainians vanished, and the annihilation of Ukrainian intellectuals and the 1930s and 1940s. Source: Kuzio & D'Anieri (2002: 16)

³ Data based on results of the 2001 nation-wide census. Russians do not constitute a majority in any region (or oblast) of Ukraine, except for Crimea, which has been granted political autonomy.

⁴ For a detailed analysis of the census results, see Kuzio, Taras: *Census: Ukraine, more Ukrainian, Russia and Eurasia Review*, February 4, 2003. or Wolowyna, Oleh: 2001 census results reveal information on nationalities and language in Ukraine, *Ukrainian Weekly*, January 12, 2003

clear benchmark against which the minority media policy could be evaluated. Therefore, this chapter will focus primarily on the previously underdeveloped Ukrainian-language media, during the period of transformation between 1991 and 2004. Aspects of the Russian-language media will be discussed in the context of their relationship and impact on the Ukrainian-language media, as opposed to a minority media perspective.

Compared to Central Europe, the Balkans and Russia, Ukraine's media reform has not been documented thoroughly, and only limited material is available in English. To date, no comprehensive account has been produced regarding the Ukrainian media reform process, but several authors (e.g. Pryluk 1993; Prizel 1997; Kuzio 1998, 1999, 2002; Dyczok 1999; Zyla 1999) have provided useful starting points. International advocacy groups and policy journals have also contributed to the understanding of the complex interplay between media and politics. The most important contributors to this discussion are Reporters without Borders, the International Federation of Journalists, Article 19, Freedom House, Human Rights Watch, and the European Institute for the Media (EIM). Among the key publications and academic/ policy journals are the reports by Radio Free Europe/ Radio Liberty (www.rferl.org), OMRI's *Transition* and its successor *Transitions Online* (www.tol.cz), the *Post-Soviet Media Law and Policy Newsletter*, the *Ukrainian Media Bulletin* by EIM, English language websites such as *The Ukrainian Weekly*, and Ukraine's English-language newspaper, the *Kyiv Post*.

1. INITIAL CONDITIONS

Compared to Hungary, Ukraine experienced a more coercive political and media environment before its independence from the Soviet Union in 1991 – an environment strongly shaped by the Soviet media theory. Perceived as the “engineer of the soul,”⁵ the media served as a transmission belt for Moscow's ideology, and was seen by the Soviet leadership as an important tool in socialising and, when needed, mobilizing the population. Moscow and the local authorities jammed foreign radio waves, banned the import of all foreign printed material, and controlled people's minds through overt and covert censorship in a system of centralised infrastructure, and strict licensing and accreditation procedures.

All broadcasting was under the control of the State Committee of Radio and Television Broadcasting (Gosteleradio) which was directly subordinated to the Council of Ministers in Moscow. There were no separate channels, only different editorial groups that produced material for each of the four national programs. Created in 1972, the regional (or republican) station in Ukraine was considered the “branch office” of the central media structure, along with local television centres. This was neither allowed to make independent editorial decisions, nor afforded the amount of training or technical improvement as the flagship Moscow-based mass media.

For the territory of Ukraine, the centralized nature of broadcasting meant that there was a well-developed infrastructure in place, which included satellite television and several regional re-transmitters. Also, due to the Soviet leadership's mass production of television sets, by the early 1980s, television became the main source of news and information for Soviet citizens, and the nightly newscast *Vremia* (Time) was

⁵ Stalin's expression to describe the role of the arts.

watched by an estimated 80% of the adult population in all republics.⁶ Meanwhile, centrally produced newspapers – such as the Communist Party's *Pravda*, which was printed via satellite fax simultaneously across the Soviet Union's 11 time zones – were distributed across the country. In addition, there were many local publications in Ukraine, as well as smaller circulation periodicals and theme journals. Although these local publications were not as closely scrutinized as the national papers, they, too, were under the control of the Communist Party and the central power structure.

Compared to Poland, Hungary, and Russia, Ukraine only had a limited and temporary alternative society. The extent of the political repression in Ukraine made it difficult to run clandestine organisations, and *samizdat* publications failed to reach the masses. The *Ukrainsky Visnyk* (Ukrainian Herald) was published intermittently between 1970 and 1980, and religious publications such as the *Chronicle of the Catholic Church in Ukraine* were also released.⁷ Other documented *samizdats* include the sporadic publications by the Group Initiative for Defence of Rights of Believers and the Church, and the very temporary Ukrainian Helsinki Monitoring Group. Several publications, with underground distribution in most parts of the empire, also reached Ukraine, among them the *Chronicle of Current Events*.⁸

These publications facilitated discussion among voices of dissent within Ukraine, and between Ukraine and Russia, but Ukraine's parallel society and underground media system remained limited for intellectual discussion, with little impact on political life.⁹ The Ukrainian media in general was of much lower quality than the Russian, while party control and censorship was stronger than in Moscow itself. (Krasnaboka & Brants, 2002: 8) As Skilling asserted (1989: 206), these embryonic human rights movements failed to engage in any "self-analysis" – which was a crucial dimension enriching, and enabling the expansion of similar movements in Central Europe. In these circumstances, no identifiable parallel society, no organised dissent emerged, which would have used the media as its lifeline and sphere of existence.

Emanating from Moscow, the firm control on the Soviet mass media began to erode in the 1980s, and was officially abandoned through Mikhail Gorbachev's "*glasnost and perestroika*" policy. The term *glasnost* denoted the drive to voice endemic problems and embarrassing issues out in the open, instead of the long-practiced policy of concealment. Gorbachev's policies played an important part in changing the face of the media in major cities, but they failed to bring about noticeable changes outside urban centres. The opportunity offered by the *glasnost* policy, however, never spread further than Moscow, Leningrad and the Baltic republics,¹⁰ leaving the Ukrainian policy sphere under continued communist control. As a result, media criticism of the communist system was rare in regional and local publications and broadcasts.¹¹ The

⁶ Mickiewicz, Ellen P. (1988): *Split Signals: Television and Politics in the Soviet Union*, NY: Oxford University Press, 1988, pp. 8

⁷ Skilling, G. (1989): *Samizdat and an independent society in Central and Eastern Europe*. MacMillan Press, 1989, pp. 205

⁸ Ibid. pp. 205

⁹ In the entire Soviet Union, the human rights movement and the associated *samizdat* printing and distribution effort was only tolerated during the 1970s. In the early 1980s, most leading dissidents (mainly in Russia) were imprisoned. Op.cit. Skilling (1989:207)

¹⁰ Downing (1996: 79)

¹¹ Richter, A. (2002): *The partial transition. Ukraine's post-communist media*, pp. 134.

Ukrainian political elites' suppression of media activities continued throughout the 1980s – so much so that Gorbachev's direct personal intervention was needed before the opposition movement Rukh was able to publish its draft program in *Literaturna Ukraina*, the official newspaper of the Ukrainian Writers' Union.¹²

The independence that the journalistic community won through *glasnost* was codified in June 1990, when Moscow passed a mass media law, significantly altering the media landscape of the Soviet Union. The law guaranteed the "freedom of expression in journalism and the creative arts, broad rights of access to information and the means of its dissemination," and specified the obligations of authorities in respect of these rights.¹³ It also outlined the rights and responsibilities of media workers, removed censorship, and extended the legal guarantees to ethnic minorities. In conjunction with a relaxation of the ban on private enterprise, it allowed for the creation of independent media outlets (newspapers, television and radio stations) and removed the media from under the supervision of the Communist Party. This law was approved as republican legislation by the Supreme Soviets in each of the fifteen republics. Most republics, including Ukraine, have since replaced this law with one more suited to their particular needs.

It seems as if the fact that no alternative society had developed by the proclamation of Ukraine's historic independence later proved to be a crucial weakness in terms of the country's media development path.

2. THE EXTERNAL DIMENSION OF MEDIA REFORM

Upon pressure from various international organisations such as the UN, the Council of Europe, the OSCE, as well as the European Union, Ukrainian authorities established an extensive legal framework in the first few years of transition. The Ukrainian parliament adopted a comprehensive body of media legislation which included laws on information, on print media and on broadcasting.¹⁴ These laws were

¹² Ryabchuk, M. (2004): Perilous way to freedom. Independent mass media in the blackmail state. Yet unpublished article, on file with author, pp. 8

¹³ Statute on the Press and Other Mass Media, 1990

¹⁴ The Information Act (November 2, 1992) regulates collection, keeping, use and dissemination of information, types of information, the right to receive information and the principles of access to it, issues regarding ownership of information and its protection, as well as the liability mechanism in cases of infringements of the information law; The Print Media Act (November 16, 1992) provides the legal basis for the operation of print media, the procedure for state registration of publications, the rights and obligations of the journalists as well as the relations between the media and the public and other organizations; The TV and Radio Act (December 21, 1993) provides the legal basis for the operation of TV and Radio broadcasters on the territory of Ukraine, sets forth the procedure for their incorporation and licensing, broadcasting rules, providing airtime for pre-election campaigns and for broadcasting official announcements and provides for liability for infringements of the law. This Act established a National TV and Radio Broadcasting Council; The Act on the National TV and Radio Broadcasting Council of Ukraine. (September 23, 1997) establishes the powers and competence of the National Council; The Information Agencies Act (February 28, 1995) provides the legal basis for the operation of Ukrainian information agencies and establishes the conditions for dissemination of their information products; The Act on the Procedure for Media Coverage of the Activities of Government Bodies and Local Authorities in Ukraine (September 23, 1997) provides for compulsory media coverage of the activities of the authorities; The Act on Government Support for the Media and Social Protection of Journalists (September 23, 1997) provides the basis for legal and economic support by the government for the media as well as for social protection of journalists; The Advertising Act (July 3, 1996) establishes general

agreed upon at a time when the government was concerned about its image as a newly independent state. None of the early bills were vetoed by the president, or challenged by the Constitutional Court.¹⁵

Endorsing the ideas and values represented by the libertarian and social democratic theories, Ukraine also ratified all relevant international conventions which lay out basic principles of freedom of speech and media – in particular, the European Convention on Human Rights¹⁶ and the International Covenant on Civil and Political Rights.¹⁷ The 1996 constitution guarantees freedom of speech, expression of views, and collection, keeping, use and dissemination of information (Article 34),¹⁸ it bans censorship (Article 15), and collection, keeping, use and dissemination of confidential information regarding individuals without their consent, and guarantees legal protection and the right to refute untrue information (Article 32). Also, the constitution stipulates that international treaties ratified by Ukraine automatically become part of national law and overrule conflicting national provisions.¹⁹ Through its membership in the Council of Europe and the OSCE, the Ukrainian government also repeatedly made a political commitment to media democratisation.²⁰

provisions for advertising and restrictions for advertising of certain types of products and services in the media. The act does not cover political advertising; The Intellectual Property Act (December 23, 1993) regulates and protects intellectual property rights; The State Secrets Act (1999) defines information that is considered a state secret; The Act on the Public Television and Radio Broadcasting System (July 18, 1997) regulates the operation of public broadcasting systems in the country; The Civil Code establishes the legal principles for protection of human rights, honour, dignity, and the business reputation of people and organizations, and the mechanisms for indemnification of damages; The Civil Procedure Code establishes the procedure for litigation for the purpose of protection of the honour, dignity and business reputation of citizens; The Criminal Code provides for liability for public calls for nationalistic, racial and religious hostility, disclosure of state secrets, slander, persecution of citizens for criticism, etc. The Anti-censorship Law (April 3, 2003) defines and bans media censorship and makes it a criminal offence for officials to “deliberately intervene in the professional work of journalists.” It also limits financial penalties against journalists for defamation claims. There are also additional decrees by the Cabinet of Ministers, by the President and by other government agencies that regulate the work of the media. Source: “Freedom and responsibility”, Yearbook 1999-2000, OSCE Representative on Freedom of the Media, media law archives and RFE/RL reports.

¹⁵ Op. cit. Richter (2002:150)

¹⁶ Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms says: “1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television, or cinema enterprises.”

¹⁷ Article 19 of the International Covenant on Civil and Political Rights says: “1. Everyone shall have the right to hold opinions without interference. 2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

¹⁸ These rights may be restricted only “in the interest of national security, territorial integrity or public order, to prevent disturbances or crimes, to protect the health of the population, to protect the reputation and the rights of other people, to prevent the dissemination of confidential information, and to safeguard the authority and impartiality of the judiciary” (Article 34).

¹⁹ The full text of the constitution is available from the Ukrainian parliament’s website at <http://www.rada.kyiv.ua/const/conengl.htm>.

²⁰ For instance, the OSCE’s Istanbul Security Charter holds that the States will “reaffirm the importance of independent media and the free flow of information as well as the public’s access to information. We commit ourselves to take all necessary steps to ensure the basic conditions for free and independent media and unimpeded transborder and intra-State flow of information, which we consider to be an essential component of any democratic, free and open society.” Passed during the Istanbul summit. 1999

However, not only that the ambitious pledges were not implemented, but various in-depth studies – e.g. by Jakubowicz (2001) – identified significant inherent weaknesses in the texts, pointing to the lack of correlation between volume and quality, as well as theory and practice. According to 2004 estimates, there were as many as 240 different pieces of legislation in place, which instead of complementing one another, created a contradictory and confusing legal environment, cultivating abuse. The text of the laws is often ambiguous and allows for political interventionism either through direct stipulations, or through various loopholes.

2.1. DEVELOPMENT OF THE PRINT MEDIA LANDSCAPE

Ukrainian independence generated growing demand for locally produced content dealing with news, analysis, entertainment, and various theme subjects. Because of the low distribution costs and the expected economic profit, a large number of local, Ukrainian-language publications were started up. The total number of published titles in Ukraine grew to 3,463 by 1999.²¹ In order to encourage the establishment of Ukrainian media outlets, the government decided to restrict the distribution of Russian publications within Ukraine, which in 1992 represented 42% of all subscriptions.²² In response to Moscow's decision in 1995 to begin subsidising Russian publications circulating in the Commonwealth of Independent States (CIS), the Ukrainian authorities heavily taxed the import of Russian newspapers and magazines (these accounted for 90% of the overall volume of newspaper imports), and in 1995, they excluded Russian papers from the circle of publications eligible for printing and distribution subsidies. The government also imposed a monthly tax of ECU 160 (208 USD) on every kiosk which sells "foreign" publications.

Within the first years, the media underwent a dramatic trial-and-error period, during which hundreds of newspapers and magazines appeared, survived for a couple of years and then vanished due to political influence, or the lack of financial resources. However, many old, established newspapers such as *Pravda Ukrainy* (Truth of Ukraine) – the local version of the Moscow-based official Communist party newspaper – and *Nezavisimost* (Independence) soon found new backers. At the same time, several new political party newspapers were started up – of which the parliamentary *Golos Ukrainy* (Voice of Ukraine) and the government's *Uriadovyi Kurier* (Government Courier), as well as the Communist Party's *Komunist* are worth noting. Most major Russian publications also managed to stay on the market, as they escaped the aforementioned restrictions by registering themselves in Ukraine, and adding the word "Ukraine" to their titles.²³

While a degree of media pluralism emerged, the "liberalised" market did not result in a more democratic policy sphere for Ukraine. The majority of the start-up publications were theme magazines, such as women's monthlies, tabloid and other entertainment newspapers. The emergence of independent political newspapers was constrained by the refusal of the government to fully liberalise the supporting

²¹ The number of registered publications was 1787 in 1990 and 8500 in 2000, but less than half of these actually printed. Source: "Freedom and responsibility", Yearbook 1999-2000, OSCE Representative on Freedom of the Media

²² Op. cit. Richter (2002:139)

²³ Ibid. Richter (2002:139)

infrastructure in the media. While there were initiatives to privatise related state and public property, all crucial elements such as relay transmission lines, printing and distribution facilities, the largest publishing houses, and major television and radio towers remained in state hands.²⁴ Those publications which managed to stay afloat for a few years gradually disappeared due to the rising printing costs and the decreasing purchasing power.²⁵

The financial conditions for the development of Ukraine-based media have been weak from the beginning. Due to the dramatic drop in living standards, market demand for newspapers shrunk and most people turned to the readily available television for news and entertainment. (Whereas in Soviet times it was usual for a Ukrainian family to subscribe to 3-4 publications, in 1997 there was an average of one subscription for five citizens.) Total newspaper and magazine circulation dropped ten-fold since 1991 – while in Soviet times, about 440 copies of printed press were sold per 1000 people (this serves as an estimate for Ukraine), today the same figure is 174.²⁶ (In Hungary, this was 162.) The weak advertising market, 80% of which is absorbed by television, is being divided up between a larger number of publications than the market can sustain.

After the election of Leonid Kuchma as president in 1994, the government implemented a “reverse wave” of democratisation, and strengthened its grip on the non-state media – much according to the authoritarian theory. In March 1999, the government created a “subsidy system” (i.e. reduced postal rates and the abolishment of VAT on printing and distribution) for selected newspapers,²⁷ and set up a financing scheme exclusively for state-run media outlets. In the form of relief from tax obligations, customs duties, tariffs and rent, the authorities allocated 160 million hryvnia (USD 39.6 million) for this cause in 1999.²⁸ For example, the newspaper *Golos Ukrainy* is reported to have received USD 400,000 for “subscription support” in 2002.²⁹ Through the same decree, the government increased the salaries of the approximately 8,000 journalists working for government publications, radio and television stations as well as news agencies. The decree also gave state media journalists a civil servant status, with similar promotion structures, pensions and other social security benefits.

Only few admittedly state-controlled publications remained in circulation, and the authorities are proud of their record of liberalisation. But during Kuchma’s two five-year tenures (1994-2004), the restructuring of the media sector was embedded in a

²⁴ Ibid. Richter (2002:140)

²⁵ One of the first such stories was that of the Kyiv-based paper *Respublika*. It was set up in 1993 by Ukraine’s leading independent journalists (many then worked as stringers for Western agencies), and became the first high-quality, independent national newspaper in the country. However, the paper had to close down due to the skyrocketing printing costs, which made them more dependent on their financial backers. Their “sponsors” attempted to increase their influence on the paper’s editorial policy and the journalists preferred to see the paper fold than lose its editorial independence. Source: Dyczok, Marta (1999): International assistance and the development of independent mass media in Ukraine. Paper prepared for the Columbia University Project on Evaluating Western NGO strategies for democratisation and the reduction of ethnic conflict. November, 1999, pp. 7

²⁶ Data from UNESCO, reference year is 2001-2002

²⁷ Only those media outlets are eligible for this funding which have no more than 40% advertising in a single issue, broadcasters which do not run more than 15% commercials in their daily programming, outlets which do not carry more than 50% “foreign content”, which do not have foreign owners or investment, and which do not feature pornography.

²⁸ “Freedom and responsibility”, Yearbook 1999-2000, OSCE Representative on Freedom of the Media

²⁹ IREX, Media Sustainability Index, 2002

cronyistic economic redistribution process which – similarly to other post-Soviet states – led to the concentration of power by a few mammoth business groups. The liberalisation of the media market has made political elites and business circles highly dependent on each other, to a degree where they are almost undistinguishable. The parliamentary majority supporting the government has developed into a group of politicians who all represent different business, political and/or regional interests, and who are held together solely through their joint fear of a more democratic opposition.

By 2003, an estimated 90% of all local and national newspapers (including the highest circulation daily newspapers) became concentrated in the hands of Kuchma-leaning political parties, local governments and oligarchs with important political connections.³⁰ There are three main oligarchic groups – the Dnipropetrovks, Donetsk and the Kyiv clans. President Kuchma belongs to the first group while his most recent prime minister Viktor Yanukovich (2002-2004) belongs to the second – both representing business interested in the industrialised Eastern part of the country. Meanwhile, Viktor Medvechuk, who is head of the presidential administration, belongs to the Kyiv clan, and is one of the most important representatives of Russian business interests in Ukraine. In addition, Kuchma's son-in-law, Viktor Pinchuk is alone as powerful as the others, and is often referred to as the "clan of one".³¹

Thus liberalisation in Ukraine has meant that the media sector became subordinated to business groups associated with the ruling coalition parties, more specifically the Social Democratic Party of Ukraine United (SDPU-u) or the Labour Party. In the overall sector, the strong political parallelism that developed was thus predominantly favouring the incumbent presidential administration. This concentration occurred despite a 1997 law stipulating that no person or legal entity can be "founder", "co-founder" or "in control of" more than 5% of regional or national publications.³² It is estimated that the large majority of these papers (over 90%) would not be able to sustain operations under free market conditions and without the financial support of their "sponsors". Interestingly, however, the oligarchs' acquisition of media outlets was not driven by political-ideological considerations, but rather by the desire to attain and sustain economic power. These groups exercise strong editorial control over the content of their media outlets, and are the main beneficiaries of the advertising revenues, which are registered to grow at a 40-60% each year.

Meanwhile, opposition and party-independent publications tend to be short-lived due to the immense political or oligarchic pressure. Many of the critical newspapers have been forced to change their editorial line, have been sued out of business, or shut down for "administrative" reasons. Those publications which survived have had to compromise on quality, and cost-cutting measures have often led to the journalists and editors accepting payment for carrying hidden advertising, or publishing certain stories.

³⁰ "Under assault: Ukraine's news media and the 2004 presidential elections," A Freedom House special report, October, 2003

³¹ During the 1990s, also powerful was former Prime Minister Pavlo Lazarenko who was forced to resign when he announced rival political aspirations to Kuchma. In 1998, two newspapers associated with Lazarenko ceased operation: *Pravda Ukrainy* was banned for alleged registration irregularities while *Vseukrainskie Vedomosti* was forced to close down after it lost a libel case and was fined to 2.5 million USD (Markus, 1998).

³² However, data on media ownership is never made public. Owners never reveal their names in the newspapers they own. Most oligarch-controlled media outlets, for instance, claim to have been founded and to be owned by their editorial staff.

As a result, Ukraine's print media landscape has developed in an environment of strong political dependence and a financial uncertainty – rendering the market vulnerable to buyouts by oligarchs and various clans.³³ Due to the government's attempts to marginalize the non-state press, only two of the five biggest newspapers are critical of the government (*Silski Visti* and *Vechernie Vesti*) but the primary focus of these papers is to serve opposition politicians as opposed to serving as party-independent sources of information. Because the landscape overly politicised, the system does not resemble the development assistance model, in which the media landscape also has a significant “independent” segment. In addition, the political newspapers do not seem to represent clear political platforms, but rather the interests of single politicians and oligarchs, which also makes it difficult to assess the print landscape in relation to this model.

The following table lists the basic characteristics of the most influential Ukrainian-language newspapers (December 2003).³⁴

Name of publication	Circulation ³⁵	Affiliation/ ownership
<i>Fakti i Komentarii</i> (daily)	850,000	OLIGARCHIC, Dnipropetrovsk oligarch group (Pinchuk) “For United Ukraine” electoral block/ president Kuchma
<i>Silski Visti</i> (daily) ³⁶	548,000	NON-STATE, Socialist Party/ former Parliament speaker A. Tkachenko (formerly independent journalist, in 1999 presidential hopeful) Currently in opposition to Kuchma
<i>Segodnya</i> (daily)	650,000	OLIGARCHIC, Donetsk oligarch group
<i>Vechernie Vesti</i> (daily)	450,000	NON-STATE, politician Yulia Tymoshenko (currently in opposition to Kuchma)
<i>Golos Ukrainy</i> (weekly)	150,000	STATE, Official parliament publication
<i>Kyivskie Vedomosti</i> (Kyiv-based daily)	150,000	STATE, “Social Democratic Party of Ukraine – United”
<i>Uryadovii Kurier</i> (weekly)	120,000	STATE, Official government publication
<i>Ukraina Moloda</i> (daily)	100,000	NON-STATE, “Our Ukraine” party (opposition)
<i>Kommunist</i> (weekly)	70,000	NON-STATE, “Communist Party of Ukraine” (opposition)

³³ Oligarchs or “clans” are often tied to factions in the parliament, or to major industrial and banking concerns, or are united by loyalty to a particular politician. After obtaining their wealth through the privatisation process of the 1990s, the large majority of these businessmen nurture ties with the incumbent president.

³⁴ Data from Freedom House's 2003 Nations in Transit report, European Journalism Centre, and OSCE

³⁵ Note that declared circulation and actual readership are significantly different. These figures are based on “declared circulation” figures from Freedom House's 2003 Nations in Transit report, and data produced by a Russian advertising sales company - www.reklama-aston.narod.ru/Aston_E/ukraina.htm. These figures are inflated to increase advertiser confidence, and for the moment, no other figures are available, as no official attempt has been made to bring transparency into newspaper publishing, advertising and circulation data.

³⁶ *Silski Visti* was ordered to close down in January, 2004, but at the time of the final drafting of this chapter, it is still publishing, pending a decision from an appeals court.

<i>Stolichye Novosti (daily)</i>	70,000	OLIGARCHIC, Vadym Rabyнович
<i>Den (daily)</i> www.day.kyiv.ua	60,000	STATE, "Social Democratic Party of Ukraine – United" (Although previously government critical)
<i>Biznes (daily)</i>	60,000	STATE, "Social Democratic Party of Ukraine – United"
<i>Halycki Kontrakty(monthly)</i>	44,000	NON-STATE, Balanced
<i>Korrespondent (monthly)</i>	50,000	NON-STATE, Balanced, Western-owned
<i>Zerkalo Tyzhnia (daily)</i>	43,000	NON-STATE, Some US investment
<i>Zerkalo Nedeli (weekly)</i>	31,000	NON-STATE, Independent, anti-Kuchma, www.mirror-weekly.com
<i>Kompanyon (monthly)</i>	30,000	NON-STATE, Balanced
<i>Kyiv Post (weekly)</i>	25,000	NON-STATE, US-owned
<i>Polityka I Kultura (monthly)</i>	20,000	NON-STATE, Balanced

However, under fully free market conditions, the Kyiv-based and regional media would have a difficult time competing with Russia-based publications, which focus much of their content on news from Russia and the CIS. Thus far, the most popular Russian-language papers have been the *Moskovskiy Komsomolets* (410,000), the *Izvestiya-Ukraina* (230,000), the *Komsomolskaya Pravda v Ukraine* (130,000), the *Argumenty i Fakty v Ukraine*³⁷ (140,000), and the *Moskovskiy Komsomolets-Diorama Plus* (100,000).³⁸ These papers have attracted substantial advertising as they reach both language groups, and their readers are perceived to be better off. As a result, they have managed to produce higher quality content than the average Ukrainian language press.³⁹

Despite the restrictions, Russian-language and bi-lingual print media have flourished in the 1990s. In 1997, 40% of all publications circulated in Ukraine were bi-lingual, while the ratio of Ukrainian-language publications on the overall market fell from 60% in 1992 to 36%. At the same time, the ratio of Russian-language publications increased from 6% to 24%.⁴⁰ By 2002, Ukrainian became the second language on the overall newspaper market (16 million copies a day) after Russian (25 million copies a day).⁴¹ In 2004, an estimated 20% of the press remains bilingual, and Ukrainian internet users spend the same amount of time on Ukrainian sites as on Russian sites (30% each).⁴²

During his first tenure as president, Kuchma did not perceive Russian publications as a direct threat to his presidency as they focused mostly on domestic issues related to Russia. However, during his second term, when Western and opposition criticism against his rule intensified, the independence of Russian-language

³⁷ The Russian version of this paper was a flagship of glasnost in the late 1980s.

³⁸ Data from Freedom House, 2003 Nations in Transit report

³⁹ Op. cit. Ryabchuk (2004: 29), and Op. cit. Richter (2002:151)

⁴⁰ Ukraina: Informatsia (1997), quoted in Op. cit. Richter (2002:139)

⁴¹ Source: European Journalism Centre, www.ejc.nl, European Media Landscape, Ukraine (data for 2002)

⁴² Op. cit. Ryabchuk (2004: 9)

publications became more tangible and problematic for the Kuchma regime.⁴³ In 2000, the parliament continued to implement measures in support of Ukrainian media, and passed a tax-cutting package for Ukrainian-language publications. Also, Kuchma issued a decree providing financial assistance to Ukrainian book publishing. Further, in the run-up to the 2004 presidential elections, the parliament passed a law stipulating that all advertising must be published in Ukrainian – an attempt to put all Russian and foreign-language (e.g. the English-language *Kyiv Post*) out of business. As a result of strong international criticism, this was repealed before being implemented.

During Kuchma's tenure, all independent and otherwise affiliated media outlets were under permanent scrutiny and control, and no opposition political movement succeeded in building up a media portfolio that would challenge the president's authority. The most prevalent methods of silencing critical, Ukrainian-language media outlets included administrative harassment through repeated inspections by various state and city authorities (i.e. tax inspectors, fire department etc.), the invalidation of registration documents, and the cancellation of printing or distribution contracts. The tax authorities alone eliminated 843 media outlets (both print and broadcast) in 1999-2000.⁴⁴

In addition, public officials have been joined by the business community in blocking the development of media freedom through the abuse of the vague libel legislation. None of the basic laws (the 1992 Law on Information, the 1994 Law on Television and Radio Broadcasting, and the 1996 Constitution) distinguish clearly between the right to privacy of ordinary individuals and politicians, and the Law on Libel foresees no maximum penalty for libel cases. As a result, politicians and businessmen regularly filed claims for the "protection of honour and dignity," demanding excessive payments. During this period, libel cases comprised an estimated 99% of all legal claims involving the media. In 1993, there were 600 libel lawsuits,⁴⁵ but between 1995 and 1997 (three years) the number of cases grew to 3,279. Of this, 53% was approved by the courts, obligating various media outlets to pay more than 2.3 million hryvnia (USD 1.3 million) in damages.⁴⁶ The courts regularly ruled against the newspapers, even if there was no supporting evidence of wrongdoing,⁴⁷ and the Constitutional Court supported this practice by ruling that it is illegal to publish any information at all about the private life of public officials without their express consent. (At the same time, officials who were often at the origin of leaking false information to the media for their own interests, remained unpunished.)

Thus, a glaring gap developed between the Ukrainian authorities' practice and some of the basic libertarian freedom of speech principles, and in 1999, the picture looked even more dramatic. Ukrainian media were sued 2,250 times for the total of almost three times as much as the government's annual budget.⁴⁸ That year, the "moral

⁴³ Kuzio, T.: Status of Russian language again threatens Ukrainian-Russian relations, RFE/RL Newline, January 10, 2001

⁴⁴ Ivanov, Valery: Ukrainian media in crisis. Lecture at conference entitled "Proliferation without pluralism. The state of media in the CIS in the second decade of transition." April 9-10, 2003, Kyiv, Ukraine

⁴⁵ Op. cit. Richter (2002:136)

⁴⁶ Totals have been calculated on the basis of OSCE figures. Source: "Freedom and responsibility", Yearbook 1999-2000, OSCE Representative on Freedom of the Media

⁴⁷ "Freedom and responsibility", Yearbook 1999-2000, OSCE Representative on Freedom of the Media

⁴⁸ Council of Europe Opinion: Freedom of expression in Ukraine, January 21, 2001

damages" that the media allegedly caused by publishing information about public officials and businessmen exceeded 90 billion hryvnia (USD 16.82 billion).⁴⁹ Over 70% of these cases are estimated to be groundless.⁵⁰ The 2001 decriminalisation of libel did not change the fact that hundreds of media outlets are being sued out of business every year.⁵¹ Arbitrary tax inspections also continue, and critical media outlets are closed down regularly for "irregular" or "illegal" activities. A large majority of outlets chose to deal with this by increasing the amount of positive coverage on the tax authorities and its management.⁵²

Thus, instead of it supporting a democratic environment, the key use of the ambitious regulatory framework has proved to be its abuse, selected application, and amendment without consultation (or often even without prior warning).⁵³ The opposition has repeatedly raised concern over the authoritarian policies. Socialist party leader Oleksandr Moroz has been quoted as saying that Ukrainians live in an "atmosphere of information terror", and the only objective source of information is the foreign broadcast outlets such as RFE/RL, Deutsche Welle and the BBC.⁵⁴ In 2001, Mykola Tomenko, another leading politician, was quoted as saying that the authorities have initiated a "systematic, organised policy of censorship" in every region.⁵⁵ Meanwhile, former deputy PM and opposition politician Julia Tymoshenko asserted that "the first and foremost reform that has to be implemented by democratic authorities is that of the media. The success of all other reforms is a consequence of that."⁵⁶

Kuchma and his associates usually stayed silent on the subject, but on rare occasions, Kuchma commented on the matter, and used the opportunity to blame the existence of oligarchs for the state-of the media. In 1996, he was quoted as saying: "One has to admit that we do not have an independent press. Everybody serves somebody."⁵⁷ Meanwhile in 2000, he wrote the following in a friendly newspaper: "Ukraine needs an efficient, non-partisan, truly free press. So far, it has been difficult to create the national information space because [...] some media pursue the goal of satisfying the interests and ambitions of the clans rather than informing the public. The peculiar sources of media financing often determine the biased, partisan character of their activity. Such media often act unscrupulously, ignoring legal and moral norms."⁵⁸

⁴⁹ Op. cit. Richter (2002:136)

⁵⁰ Ivanov, Valery, Deputy Director of the Institute of Journalism has been quoted as saying. Source: Paradoxes of Ukraine's fourth estate, May 8, 2000. Policy paper retrieved from Policy Documentation Centre, Centre for Policy Studies, Central European University, Budapest. Accessible through <http://www.ceu.hu/cps/>

⁵¹ In a positive development, IREX-trained lawyers have reportedly convinced the Supreme Court to issue instructions to lower courts to not positively discriminate against public officials in libel cases. Source: IREX, Media Sustainability Index, 2002

⁵² IREX, Media Sustainability Index, 2003

⁵³ For example, in June 1999 the government unexpectedly increased tenfold the annual charges for radio frequencies. Agency rules were also amended for obtaining permits for the use of transmitters. This led to several regional channels discontinuing broadcasting.

⁵⁴ Quoted by RFE/RL Newline, June 15, 1999, addressing a nationwide conference of regional and local media heads in Kyiv on May 31, 1999

⁵⁵ Mykola Tomenko, head of the Parliamentary Committee on Freedom of Speech. Source: Kuzio, Taras: Ukraine: Media monopoly unlikely to secure succession. Oxford Analytica, October 9, 2002

⁵⁶ RFE/RL Newline, March 13, 2001

⁵⁷ September 7, 1996 in a meeting with journalists on UT-1.

⁵⁸ Kuchma in *Fakty i komentari*, July 8, 2000. Translation by Ryabchuk (2004: 15)

During the period under review, there was no united opposition or alternative society which could have assisted the media's growth by endorsing its democratic mission. Alliances between independent newspapers and opposition politicians were short-lived, as the term "opposition" often turned out to hide different meanings. The high-quality opposition newspaper *Den* is a case in point. Established in 1996, *Den* was one of the largest, government-critical newspapers in Ukraine. During its first year, it attracted USD 3 million from various opposition investors. Regardless of its relatively low circulation (58,000), *Den* was a key newspaper, as its high-quality reporting secured it an influential readership, primarily made up of politicians, decision-makers and intellectuals. Having remained sufficiently objective, at the start of the 1998 elections, *Den* openly supported the former prime minister and Kuchma rival, Evgeni Marchuk. After Marchuk was given a high political position (by becoming Secretary of the National Security and Defence Council), the paper's editorial board was fired and the paper was forced to abandon its criticism of the authorities altogether.

In 1999, the parliamentary opposition appealed to several international organizations, including the OSCE and the Council of Europe, expressing concern with regard to the media situation. The parliament noted that "on the eve of the presidential elections, the executive structures established total control over the Ukrainian public sphere and gave advantage to the coverage of the campaign of one candidate only – the incumbent president – by means of subordinating the financially strapped media to influential owners."⁵⁹ Ukraine's handling of its media affairs has also drawn strong criticism from Western think tanks and advocacy groups, and worsened Ukraine's bilateral relationship with various governments. In 1999 and 2001, President Kuchma was pronounced to be one of the worst enemies of the press in the world.⁶⁰ The international community raised concern with the Ukrainian government several times, and the OSCE's Representative on Freedom of the Media intervened to help various newspapers and broadcast outlets.

Western investment could have raised the production and professional standards, and ensure independence from local power groups, but this was discouraged by the general investment climate in the country. At the same time, until the 2004 elections, there was only limited democratisation assistance available within the media sector – for instance only an average 2% of the overall democratisation budget was destined for media development by USAID.⁶¹ Meanwhile the European Union, which is the largest "democracy assistant" to Ukraine had not developed a separate media budget. A few influential NGOs – such as the Renaissance Foundation, the National Endowment for Democracy, the Eurasia Foundation, Freedom House and IREX – did receive funding from governmental sources (USAID) and private funds (Soros Foundation)⁶² but they

⁵⁹ June 15, 1999

⁶⁰ By the Committee to Protect Journalists, www.cpj.org

⁶¹ USAID report entitled "Ukraine media assessment and program recommendations," 2001, available at <http://www.usaid.kiev.ua/arc.shtml>. The total USAID funds dedicated for media development during the period 1993-2003 was 21 million USD. Data obtained from OSCE Project Coordinator for Ukraine.

⁶² These were seen by authorities as ways of supporting anti-presidential and anti-oligarchic groups. Political elites thus accused the US government of "interference in domestic affairs" and of plotting a coup against the democratically elected president. Source: Kuzio, Taras: The internet and media freedom in Ukraine, RFE/RL Russia and Eurasia Review, July 8, 2003

remained quite isolated and were often described as badly administered and corrupt.⁶³ Overall, the combination of the low amount of investment and the limited availability of Western media democratisation funding (for training courses, twinning etc.) failed to develop a critical mass, which would bring about noticeable changes on the Ukrainian media landscape, which continued to be plagued by a strong economic dependence on elites.

Overall, the government policy on print media development has shown numerous contradictions, and has had an authoritarian flavour throughout. The structural transformation of the media sector occurred in a way that elements of no macro-media theory could be identified, other than the authoritarian. The media sector has been plagued by multi-faceted problems of corruption, incompetence and a lack of security – themes which will be discussed in detail in the “Internal aspects” section of this chapter.

2.2. THE BROADCAST MEDIA LANDSCAPE

Just like in Hungary, the broadcasting landscape in Ukraine was much slower to show signs of substantial change. In fact, from the point of view of ordinary Ukrainians, very little changed initially. Of the four nation-wide channels, the two Russian channels – Ostankino (later ORT) and RTR – continued to broadcast directly from Moscow, and the “republican” channels also remained unreformed, despite being renamed “state” broadcasters.⁶⁴ In 1992, ORT had a 60% audience share, which prompted Kuchma, in 1995, to switch its signal from the prominent first channel to the less widely available second, thereby cutting 40% of its potential audience.⁶⁵

The 1993 statute On Television and Radio Broadcasting stipulates that all “tele-radio organisations of Ukraine [must] recognise the principles of objectivity, reliability of information, competency, guaranteeing to each citizen a right of access to information, free expression of their view and opinions, securing ideological and political pluralism.” It also stipulates that broadcast outlets must observe “professional ethics and universal moral norms”. These fundamental principles are applicable to both state-run and private broadcast outlets in Ukraine, and are supposed to provide a guarantee that all media outlets are impartial and provide audiences with balanced and reliable information that supports the democratic process.

The above media law hands control over media policy to the parliament and the president. Confirming the reluctance of elites to do away with state broadcasting, the law makes implicit references to the continuation of state broadcasting, and equips the authorities with great liberties to run these operations. It also gives state broadcasters a priority in using national transmission networks. The designers of the Ukrainian media legislation received criticism from advocacy groups, as well as the OSCE and the

⁶³ Interview with Ivan Lozowy, Editor of Ukraine Insider, and director of the Institute for Statehood and Democracy, an independent Ukrainian think tank, March, 2004

⁶⁴ One often cited explanation for the delay in achieving broadcast independence from Moscow is that the newly-established State Radio and Television Company of Ukraine (DRTKU) could not legally take over the Moscow-developed infrastructure for years.

⁶⁵ The decision led to public protests especially in the East and in Crimea. Source: Op. cit. Richter (2002: 146)

Council of Europe, for placing too much stress on the responsibilities and duties of broadcasters, editors and journalists, as opposed to their rights. Clauses referring to the protection of "a person's honour and dignity" – just like in the print legislation – and the invocation of the State Secrets Act have restricted the guarantees of freedom of speech and expression.⁶⁶

In 1998, the government also created mechanisms for frequency allocation, and established the central regulatory authority, the National Television and Radio Broadcasting Council of Ukraine. The council was put in charge of developing "quality television and radio broadcasting, as well as improving the professional, artistic and ethical level of programs and broadcasts of television and radio organizations." However, it was instructed by law to coordinate its licensing decision with the General Radio Frequencies Department, an office directly controlled by the government.⁶⁷ This duality has allowed for political favouritism at the highest levels, and created a licensing system highly susceptible to corruption.

Thus, similarly to the print media sphere, the institutional and legal processes have failed to bring about a democratic redistribution and liberalisation of the state monopoly. From the outset, the authorities have made a conscious effort to keep a tighter control on broadcast media as the majority of the population get their news and information from television. (75% of Ukrainians say television is their primary source of news and information.⁶⁸) As of December 2003, 830 broadcasting licences have been issued to television and radio stations in Ukraine. While many of these only exist on paper, it is estimated that 95% of all functioning broadcast outlets have been concentrated in the hands of political parties, local governments and oligarchs.⁶⁹

Beyond the strict licensing mechanism, the operation of non-state outlets has been complicated by the fact that – depending on the ownership profile – the authorities have applied clear double standards. While state broadcasters pay only USD 200 for a license, private broadcasters are required to pay approximately USD 2,000. International programming is also discouraged – according to the regulation, if a broadcaster applies with a programme package that includes over 20% international programming, it is obliged to pay USD 4000 (for the license) and if it exceeds 35%, the expected payment is USD 10,000.⁷⁰ Just like in print media, this policy has led to instability on the market, and prevented the appearance of profitable commercial broadcasters.

Another problem has been that commercial television and radio stations have had to rely on state-owned facilities, which has meant that they can be denied access to frequencies, but also that a significant proportion of their budget goes towards paying for transmission, which leaves less money for vital technical and staff improvements. (As the government requires all broadcasters to have a licence for both a transmitter and a frequency, over time, it has become common practise that several different companies share the same frequency or channel.) Due to a lack of funds and technical skills, the

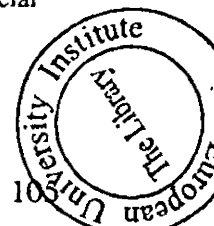
⁶⁶ See Jakubowicz, K. (2001): Review and analysis of laws of Ukraine, for an extensive analysis.

⁶⁷ Law on the National Television and Radio Broadcasting Council of Ukraine, September 23, 1997, Article 28

⁶⁸ Final election report, by OSCE/ ODIHR, 2002

⁶⁹ "Under assault: Ukraine's news media and the 2004 presidential elections," A Freedom House special report, October, 2003

⁷⁰ Op. cit. Richter (2002: 143)



quality of television quickly deteriorated on both the Ukraine-wide and local channels. The large majority of commercial channels only managed to provide imported (often pirated), badly dubbed "popular entertainment" of the lowest quality.

The 1993 law prohibits foreign legal entities or individuals from setting up television and radio stations, and from owning more than 30% of the authorised capital stock. (Article 13) As a result of all the above restrictions – not to mention the financial risks – Western investment has been insignificant. The Central European Media Enterprises (CME) is the last significant international player in the country, but corruption accusations by rival clans have rendered its operation unstable. The story even made international headlines when it was reported that the company was under investigation in the US for potential violation of the Foreign Corrupt Practices Act, for allegedly having paid USD 1 million in bribes to Ukrainian officials to obtain the broadcasting license.⁷¹

In a fairly consolidated broadcast landscape, the three stations with largest coverage are *UT-1*, *Studio 1+1*, and the Russian-language *Inter*. These stations account for nearly 90% of television advertising profits, while the remaining 10% is divided among the other 827 stations. While the two privately-owned channels *Studio 1+1* and *Inter* are popular with audiences (27% and 26.7% audience share respectively), the blatant political propaganda coming from *UT-1* only interests a meagre 4.6%.⁷² Of these channels, *Studio 1+1* has a 95% coverage over Ukrainian territory, while *Inter* 62% and *UT-1* over 98%. Whether private or state-owned, all three channels are controlled from the presidential headquarters. The list below collates the most important details about the three key television channels.

- *Studio 1+1* is a joint venture of Central European Media Enterprises⁷³ (CME), the Russian company Media Most (owned by the Russian oligarch Vladimir Gussinski) and several leading SPDU(u) politicians maintain a financial interest. It won the right to be the only private company to broadcast on Ukraine's second terrestrial channel (*UT-2*) after a controversial restructuring in 1997 which cleaned the station of critical voices.
- *Inter* replaced the Russian ORT channel, and is run by a Russian-Ukrainian television corporation and during the general elections it was a vocal supporter of the SDPU(u). *Inter* is owned by SDPU(u) figure Oleksandr Zinchenko, while Viktor Medvedchuk, who is head of the Presidential Administration also maintains financial commitments and influence.
- Meanwhile, *UT-1* broadcasts programmes of the president-controlled National Television Company and several conform private companies (*Era*, *Gravis*, *Alternativa*, *Studia Plus*, *Media Show* etc.). During the 1999 presidential elections, *UT-1* was the most important mouthpiece for the president, and the primary space to discredit other presidential candidates.

Regional stations enjoy a much smaller market share and largely broadcast programs relevant to local interests. The three biggest channels reach an estimated 25%

⁷¹ *New York Times*, June 12, 2001

⁷² AGB television audience research company. Data collated between July and September 2002.

⁷³ CME is a Bahamas-based, US-financed company, headed by cosmetics heir Ronald Lauder.

of the Ukrainian territory. *Novyy Kanal* has a 8.3% audience share, *ICTV* a 5.8%, and *STB* a 5% share in the overall Ukrainian media market.⁷⁴ *ICTV* was set up as an American-Ukrainian joint venture, but is today controlled by leading oligarch Oleksandr Volkov, who is also an adviser to the president. *Novyy Kanal* and *STB* are controlled by one of the wealthiest oligarchs – Viktor Pinchuk. He also maintains heavy investment in *ICTV*, as well as the *Dnipropetrovsk Channel 11*, Ukraine's largest daily newspaper, *Fakty i komentarii*, and the *Ukrainian News* news service. Russian channels such as *ORT*, *RTR*, *NTV*, and *TV-6* air via cable and satellite and some programs are retransmitted on *Inter* and other regional companies.

While the bigger regional channels offer a relatively more diverse news coverage than the nationwide channels, no opposition television channel has existed until the 2003 establishment of Kanal 5. The license for this station was secured by a leading opposition deputy⁷⁵ in an attempt to fight the saturation coverage for Kuchma and his sympathisers. For the moment, no exact figures are available regarding Kanal 5's audience share, but according to 2004 estimates it could be anywhere between 1% to 9% of the population.

The Ukrainian language is somewhat stronger on the broadcast market, its ratio being estimated at 60:40 against Russian transmissions.⁷⁶ This is partly due to the 1993 statute On Television and Radio Broadcasting, which stipulates that all broadcasting must be in Ukrainian. The authorities however did not crack down on Russian language broadcasts for several reasons. First, the 1993 law does include a vague formulation that "broadcasts in certain regions may also be in the language of national minorities densely inhabiting those areas", and second, the Law on Minorities (1992), mentioned earlier, also provides guarantees for the use of minority languages. In addition, due to his dependence for political support on the communist left, Kuchma came into power on the promise that Russian would be elevated into an official language. However, he never lived up to this promise, and his language policies with regard to broadcast media have been as inconsistent as in the case of print media.

The underlying "real" reasons have been partly different than in the case of print media. Given that the Russian-language channels came under the control of Ukraine's new political elites, the "uncontrollable" nature of Moscow-based editorial offices has not been an issue. Instead, Russian was widely allowed to be used due to the business potential of the public demand for continued Russian broadcasts by both the Russian speaking and bilingual communities of Ukraine. Beyond the business considerations, it has been held important not to alienate the large Russian-speaking segment of the society. In the words of a Ukrainian journalist, the authorities have been "conducting a policy of appeasing everybody concerned".⁷⁷ The prominence of this policy was highly evident during the 1996 privatisation of the *ORT* frequency, which – even under its new identity "*Inter*" – continued to use Russian as its principal broadcasting language. As a result, while state broadcasting gradually became dominated by Ukrainian language stations, commercial stations have come to feature predominantly Russian.⁷⁸

⁷⁴ AGB television audience research company. Data collated between July and September 2002.

⁷⁵ Petro Poroshenko is a parliamentary deputy within Viktor Yushchenko's opposition bloc Our Ukraine.

⁷⁶ Op. cit. Richter (2002: 146)

⁷⁷ Interview with Jan Maksymiuk, senior journalist with RFE/RL's Ukrainian Service, August 2004

⁷⁸ Op. cit. Richter (2002: 146)

As the 2004 presidential elections approached, several public institutions expressed determination to strengthen the official, "Ukrainian-only" policy. For instance, in early 2004, the National Television and Radio Council adopted a resolution obliging all broadcasters to use Ukrainian as the only language of broadcasting and advertising. According to the text, the use of Russian would only be allowed in areas with significant Russian minorities.⁷⁹ The decision also served to officially endorse Kuchma's 2004 campaign "policy", forcing all foreign broadcasts such as BBC, Deutsche Welle, Voice of America and Radio Free Europe off the air.⁸⁰ In a market used to an "arbitrary rule of law", this decision generated much controversy, and even though Kuchma is said to have ordered the implementation of the formal language policy,⁸¹ he subsequently denounced it, calling it "unconstitutional".⁸²

In the last few years, the authorities have consolidated their grip on the media by the use of so-called *temniki*, or secret memoranda, which are sent anonymously from the presidential administration to major media outlets. The word derives from the Russian phrase "*temi nedeli*" meaning "themes of the week".⁸³ These weekly memoranda provide clear instructions about which topics should be covered and how they should be presented in news broadcasts. They were first distributed to a limited number of pro-presidential media outlets in the autumn of 2001, but by August 2002, editors, journalists, and media analysts reported that the instructions were being sent to *all* existing television stations, as well as a few major newspapers.⁸⁴ As a result, 87% of all political coverage on the six major television channels are presented in a one-sided manner, i.e. only an average of 13% of all news programming contains references to actors other than the presidential administration and its supporting parties.⁸⁵

The standard *temnik* is an 8-10-page Russian-language document, which contains detailed instructions related to the week's political events. The *temnik* format consists of several subheadings, which include "Theme of the week", "Fundamental themes of the week", "Ongoing themes", "Controversy", "Additional themes", and "Potential themes".⁸⁶ The "Additional themes" section reportedly includes information on topics that should be covered or ignored on specific days of the week. The *temniki* also instruct editors to portray the president and the SDPU(u) favorably, and to avoid discussion of events that question his credibility. If a potentially controversial news item is deemed acceptable for inclusion in news broadcasts, the directives typically include instructions to avoid implicating the president. The instructions also often place a

⁷⁹ RFE/RL Newline, April 22, 2004

⁸⁰ February and March 2004. The programming of these stations were rebroadcast on two stations, Radio Dovira and Radio Kontynent. Both stations were forcefully closed down.

⁸¹ "National Council for Television and Radio surprised at Kuchma's statement on "unconstitutionality" of air Ukrainianisation," www.foreignpolicy.org.ua, April 23, 2004

⁸² "Kuchma decries Ukrainianisation of TV as "unconstitutional," www.foreignpolicy.org.ua, April 22, 2004

⁸³ The existence of *temniki* was revealed by Mykola Tomenko, the chairman of the parliamentary Committee for the Freedom of Expression and Information, in September 2002. He directly connected the activation of the "*temniki* policy" with the appointment in June 2002 of Viktor Medvechuk as the head of the presidential staff. The *temniki* story was later brought to the world's attention by a Human Rights Watch report on December 3, 2002

⁸⁴ Human Rights Watch report, December 3, 2002

⁸⁵ Survey conducted between October 2003-May 2004, by the Academy of the Ukrainian Press and the Institute of Sociology at the Ukrainian Academy of Sciences, *Zerkalo Nedeli*, June 26-July 2, 2004

⁸⁶ Op.cit. Human Rights Watch report (2002)

"request to ignore" under topics related to the opposition, or they frequently call for a distortion in the presentation of the opposition to emphasize controversy and corruption.⁸⁷

Despite foreign calls to abandon the policy, the authorities used the *temniki* up until the late 2004 elections, enforcing compliance through the intimidation of editors.⁸⁸ The latter say that if they fail to respect the top-down editorial dictates, a host of unofficial sanctions are used against them, including arbitrary tax raids, defamation suits and sudden license withdrawals.⁸⁹ At times, the government openly intervenes. For example, in 2002, several television stations that violated the *temniki* by choosing to cover an opposition protest that drew thousands in Kyiv were taken off the air simultaneously for several hours.⁹⁰ One journalist has aptly said that the media-political situation has brought about the emergence of a "virtual reality" in news coverage in the place of real socio-political events.⁹¹ Meanwhile, another journalist described the situation as follows:

"In actual fact, television news coverage in Ukraine is made in a remote-control mode. Someone else, not journalists, edits news programs, shoots and disseminates videos, writes texts, and selects comments by politicians, which are subsequently sent to all channels. [...] Instead of news coverage, Ukraine gets lies. Because every half-truth is a lie, and there should be no illusions about that."⁹²

Two Human Rights Watch reports⁹³ dealt with the issue in great detail, but despite their revelation of implicating evidence, the authorities denied the existence of political pressure. The opposition initiated several parliamentary hearings and investigations into the case, and other questions relating to freedom of expression,⁹⁴ but neither of these yielded tangible results. Meanwhile, resistance and organised action by journalists remained limited and narrow. In 2002, several hundred journalists signed the so called "Manifesto of Ukrainian Journalists Against Political Censorship," threatening a nationwide journalists' strike.⁹⁵ However, nothing ever came of the planned industrial action, and the great optimism which this induced⁹⁶ was probably premature. Because of the fragmented nature of the journalistic community, little solidarity has emerged, and

⁸⁷ Ibid.

⁸⁸ "Lytvyn accuses UT-1 of temniks," *Ukrainska Pravda*, October 3, 2003

⁸⁹ Human Rights Watch report, December 3, 2002

⁹⁰ RFE/RL Newsline, September 17, 2002

⁹¹ Andriy Tychyna, a journalist with the Studio 1+1 Television (controlled by Viktor Medvedchuk)

Source: *Zerkalo nedeli*, September 28, 2002

⁹² Andriy Shevchenko, the Kyiv leader of Ukraine's Independent Trade Union of Journalists, Source: RFE/RL Newsline, December 5, 2002

⁹³ The December 2002 and March 2003 reports paint a detailed picture about the *temniki* policy.

⁹⁴ For example, in December 2002 the Parliament gathered for a hearing "Society, Media, Authorities: The Freedom of Expression and Censorship in Ukraine". More than 50 representatives from the government, parliament, and the media asked to speak at the conference. Source: RFE/RL Newsline, December 4, 2002

⁹⁵ RFE/RL Newsline, October 3, 2002

⁹⁶ See for instance Stapenko, V.: Journalists stand against political censorship. RFE/RL Newsline, October 11, 2002

apart from a few low-intensity protests⁹⁷ – no organised movement was on the horizon prior to the 2004 elections.⁹⁸

The lack of commitment to democratise the media is also indicated by the fact that there has not been a proper attempt to transform state television into a public broadcaster. The parliament in 1997 passed a law On the System of Public Television and Radio Broadcasting of Ukraine, establishing a legal entity with the status of a nation-wide non-profit, public service broadcaster. Based on the values represented by the social democratic media model, this system would be financed through a combination of license fees, advertising and state funds, with commercial revenues scheduled to be phased out over time. Comprising of a national television and one radio channel, the PSB has been designed to provide highly distinctive programming (third cluster in the McKinsey chart).

The parliament subsequently passed a bill on the creation of the PSB, making clear that it should be created in place of the state broadcaster, but the president vetoed the bill.⁹⁹ Kuchma's office also refused to provide funds and a frequency license, while at the same time sabotaged the establishment of the various councils designed to oversee the PSB's work. Thus far, the law has not been implemented, and despite the Council of Europe's offer of legal and financial assistance on the issue,¹⁰⁰ not much has come of the cooperation. Except for the year 2001, the societal and political debate has been limited on the issue, according to several interlocutors.¹⁰¹ A search in the English language, 1999-2003 archive of the independent *Zerkalo Nedeli* newspaper gave zero results for the terms "public service broadcasting", "public broadcaster" or "public media".¹⁰²

In addition to the above, a 2003 government decision to cancel limits on advertising revenues in the broadcast media directly contributed to the increase of oligarchic profits against the backdrop of deteriorating content quality – further pushing the Ukrainian media landscape away from the possibility of public service broadcasting. Just like with the print media, instances of abuse and manipulation of the overall legal framework (including international legal commitments and national legislation) dramatically increase in the run-up to elections, confirming claims by the opposition and conclusions by international monitoring bodies, such as the OSCE and the Council

⁹⁷ One of the first such protests – the Wave of Freedom protest – began in April 2000, after the local newspaper in Lviv was obligated to pay a hefty compensation for moral damages for a 12-line note. In May the protest moved to Kyiv. 198 newspapers, 19 TV stations, 36 radio channels and prominent members of the Union of Journalists, and of the Parliamentary Committee on Freedom of Expression and Information, supported the demands for amendments to the legislation so as to specify an upper limit of compensation for moral damages and to introduce criminal liability of civil servants for deliberately preventing journalists from performing their duties.

⁹⁸ Interview with Jan Maksymiuk, senior journalist with RFE/RL's Ukrainian Service, August 2004

⁹⁹ Jakubowicz, K. (2001): Review and analysis of laws of Ukraine, Analysis commissioned by the Council of Europe and the OSCE Representative on Freedom of the Media, pp. 33

¹⁰⁰ Council of Europe, Action Plan for the Media in Ukraine, April 2001

¹⁰¹ Including Ivan Lozowy, Editor of Ukraine Insider, and director of the Institute for Statehood and Democracy, an independent Ukrainian think tank, interviewed in March, 2004

¹⁰² However, this could also be due to the unavailability of texts in English.

of Europe, that the elections are not free and/or fair.¹⁰³ In 1998 and 1999, the OSCE described the media's performance "as one of the most important shortcomings".

Upon significant Western pressure,¹⁰⁴ the authorities in 2001 amended the Election Law to oblige the state-run media to provide "equal access to the media" for political entities during the campaign.¹⁰⁵ This law obligated state-run broadcasters (the national *UT-1* and local stations) as well as state-run newspapers (such as *Uryadoviy Kurier* and *Golos Ukrainy*) to grant equal access – and allocate free time and space – to all political contestants, and to prohibit state media to campaign for or against candidates. A Central Election Commission (CEC) was set up to ensure the media's full compliance with all media-related regulations. However, this exercise was not successful as the commission was not equipped to hold a large-scale, comprehensive media monitoring exercise,¹⁰⁶ and decided to manage its mandate on a complaint-by-complaint basis. The admitted "strong political parallelism" was indicated by the fact that CEC issued warnings *not* to media outlets but to political parties (primarily the Socialist Party, SDPU(u) and the Natalia Vitrenko block). At the same time, the commission refused to cooperate with international monitors, such as the OSCE, and declined to hand over copies of the media-related complaints, arguing they contain personal information and were subject to appeals.¹⁰⁷

According to the OSCE's media monitoring data,¹⁰⁸ the political campaign in the media somewhat improved over the 1998-99 performance but overall, the campaign was still biased and unprofessional. While more political information was available to voters through a diversified range of programming, most media outlets failed to provide an impartial and fair coverage of the campaign. Overall, the broadcasters did not provide the electorate with sufficiently balanced information about all political contestants, allowing voters to make a fully informed choice on election day.¹⁰⁹ The performance of the broadcast media was described as highly biased, raising serious concerns internationally of a system which lacks both a rule of law and an independent judiciary.

The European Institute for the Media (EIM), a Düsseldorf-based NGO which also monitored the election, said that Ukrainian voters were "not well served" by the media, in terms of having access to impartial and balanced information about all political entities, and there were "clear and substantial violations" of the provisions of the Ukrainian Election Law, as well as the constitution.¹¹⁰ Media coverage on all three national channels – *UT-1*, *Inter*, and *Studio 1+1* – as well as on *ICTV*, was found to be

¹⁰³ Final reports by the OSCE/ODIHR are available at www.osce.org/odihr/documents/reports, while those by the Council of Europe are at www.coe.int

¹⁰⁴ Even the United States Congress passed a resolution urging the Ukrainian government to ensure transparency and endorse the idea of "equal media access for all election participants". The text of the resolution can be found at <http://www.gop.gov/committeecentral/docs/bills/107/1/bill.asp?bill=hres339>

¹⁰⁵ This, amended Election Law was passed by Parliament on October 18, 2001, after five vetoes by the president.

¹⁰⁶ A presidential decree, supplementing the Election Law, provided for the creation of an independent civic board – composed of prominent and independent public figures – tasked to monitor the media coverage of the campaign. In February, however, the president rescinded this provision.

¹⁰⁷ Final election report, by OSCE/ ODIHR, 2002

¹⁰⁸ Between 9 February and 29 March, the OSCE monitored seven television stations and 10 newspapers, using a qualitative and quantitative analysis methodology. From early March, the main news broadcasts of six regional stations were also monitored.

¹⁰⁹ Final election report, by OSCE/ ODIHR, 2002

¹¹⁰ EIM, Final report, Ukraine elections 2002

biased in favour of the “parties of power” (United Ukraine and the SDPU(u)), and against the opposition parties. The print media also tended to be partisan and failed to distinguish between editorial opinion and news coverage.¹¹¹

Another general complaint about the media, echoed by almost every opposition political party and block, was that negative and/or unverified information was overwhelming. The extent of the mudslinging campaign in the state media highlighted the fact that elections in Ukraine are more of a struggle between individuals than a competition between political platforms. One of the most frequent political party complaints (with the exception of Kuchma’s “For a United Ukraine” party) was that “administrative resources” – i.e. state funds allocated to assist in acquiring political advertising – were used in a undemocratic, unjust manner. Indeed, some argued that administrative interference in the media was far more severe – one seasoned politician called it “brutal” – in this campaign than in previous elections in Ukraine.¹¹²

2.3. THE CONTROVERSIAL ELECTION OF 2004

By the presidential election in the autumn of 2004, popular dissatisfaction with the government’s conduct, societal inequalities and low living standards became tangible and loud, and the opposition mobilised large segments of society against the Kuchma leadership, particularly in the Western, Ukrainian-speaking part of the country. The election campaign proved to be very dramatic for media outlets and the level of media harassment was the highest of all post-communist elections.

Following an assassination attempt on the life of the main opposition rival, Viktor Yushenko (who chose corruption as his central election theme), societal tensions raised and 64% of the voters expected the election to be rigged.¹¹³ After the second round of the election, in which the ruling authorities declared victory, the mass street protests by the opposition achieved a declaration by the Ukrainian Constitutional Court that the results were falsified. The so called “Orange revolution”, for which the opposition received assistance from both the US government and the former Serbian and Georgian opposition, continued amidst much controversy and international media attention, until the repeat elections in December.

In the run-up to this election, the opposition media became visibly more powerful. The news content offered by opposition websites significantly strengthened, the coverage of mass protests was available for millions through Kanal 5. Journalist strikes were regular amidst the campaign to annihilate critical media. In particular, over 250 staff members at Kanal 5 went on hunger strike to protest the authorities’ attempts to revoke the station’s license and freeze its bank account. Even journalists working for the most rigidly controlled media boycotted the orders from above (notably *Inter*, *UT-1* and *Studio 1+1*), and many joined the mass protests, supporting an opposition

¹¹¹ No national provision obligates the editorial line of private newspapers to respect the principle of objectivity. The only relevant mention in the Law on Print media is under “journalists’ obligation”, stating that individual journalists must “submit for publication objective and truthful information”. Source: Law of Ukraine on Printed Mass Media, 1992, available at <http://www.article19.org.ua/indexe.html>

¹¹² EIM, Final report, Ukraine elections 2002

¹¹³ Data by the Razumkov Center for Economic and Political Studies, October 2004

victory.¹¹⁴ At *UT-1*, Kuchma's strongest weapon, two-thirds of the news staff (14 journalists) went on strike.¹¹⁵

3. THE INTERNAL DIMENSION OF MEDIA REFORM

The most imminent question that follows from the above discussion is to what extent the society and the journalistic community are capable of pushing for democratic changes from below. Unfortunately, the situation on the ground did not look promising during the period under review. As opposed to countries of the Central Europe (such as Hungary, Poland and Czech Republic) which had "liberal" publics, the Ukrainians were found to exhibit a strongly "statist" attitude in a 1995 survey, suggesting that people were more inclined to back government control than to support, and consume, independently produced media content.¹¹⁶ As a result of the undemocratic state policies in the post-Soviet period, the public's relationship with the media failed to show tangible signs of improvement over the Soviet system. However, surveys show that the society gradually became increasingly informed, and by 2004, a large segment of society could pinpoint the exact source of their frustration with the media.

While in 1995, the Ukrainian public was not convinced that there is a need for an independent media system at all, by 2002, the majority of Ukrainians gradually developed an ability to "read between the lines,"¹¹⁷ and instead of trusting the locally-produced content, many turned to radio for objective news. In 2000, the UK-aired BBC radio and the US-sponsored Radio Free Europe/ Radio Liberty (RFE/RL) were identified as the broadcast outlets with the highest credibility rating among all Ukrainian media.¹¹⁸ According to data from the European Institute for the Media, in 2002, 41% of the public expressed distrust in the media, and 65% were convinced that political censorship exists. The overwhelming majority (73.8%) believed that the media could not criticise criminal clans, the president or political institutions without retribution from the political elites. In addition, 71% of the public seemed to be aware of the existence of hidden advertising, and other corrupt media practices.¹¹⁹

While the public's perception of the journalistic profession remained low,¹²⁰ concerns among journalists about safety issues protracted their professionalisation. According to Western watchdogs, Ukraine lost nine journalists between 1992 and 2002 in work-related deaths.¹²¹ However, local officials put the estimate much higher.

¹¹⁴ See press release by International Federation of Journalists, November 23, 2004

¹¹⁵ See press release by International Federation of Journalists, November 24, 2004

¹¹⁶ In the "statist" group of Russia, Belarus and Ukraine, Ukraine scored the highest when publics were asked whether the government should have direct control over the media. According to the poll, 36 percent of the respondents "agreed strongly". Source: "Differing views on government control," by Connors, S., Rhodes, M., and Warshaw, M. in *Transition*, October 6, 1995

¹¹⁷ IREX, Media Sustainability Index, 2002

¹¹⁸ March 2000 survey by the Gfk-USM company

¹¹⁹ European Institute for the Media (2002): Media report from the CIS, June 2002

¹²⁰ The low level of societal appreciation for the media community has also been indicated by the fact that while over a hundred journalists ran for political office in 2002, only one was elected. Source: Ivanov, Valery: Ukrainian media in crisis. Lecture at conference entitled "Proliferation without pluralism. The state of media in the CIS in the second decade of transition." April 9-10, 2003, Kyiv, Ukraine

¹²¹ This has been calculated from data in the archives of the Committee to Protect Journalists – www.cpi.org

According to Ukraine's ombudsperson, 36 journalists have been killed since 1993, mostly after investigating corruption within high-level political groups.¹²² The list includes Vladimir Ivanov, the editor-in-chief of *Sava Sevastopola* (1995), Petro Shevchenko, a journalist for the *Kyivskiye Vedomosti* (1997), freelance journalist Igor Hrushetsky (1997), Borys Derevyanko, the editor-in-chief of *Vechenyaya Odessa* (1997), Yuly Mazur, the editor of the Russian-Ukrainian daily *Yug* (2000) and the victim of the most publicized murder – internet journalist Georgy Gongadze (2000).

None of the above journalist deaths have been resolved fully to date,¹²³ and hundreds of media workers have been physically attacked and assaulted over the years. In most cases, the police decline to investigate what they call “make-believe” reports. This is not surprising for a country where many high-ranking officials have perished in countless “accidental” deaths.¹²⁴ However, the intimidation and assault of journalists has reached unprecedented heights, and in particular, the disappearance of Gongadze widely exposed the extent of corruption, incompetence and criminality inside the Kuchma administration. The issue has become a major stumbling block on Ukraine's road toward joining European security and political structures, and strained the country's bilateral relations with several Western organisations and nations, it therefore deserves a detailed discussion.

3.1. THE GONGADZE CASE

Georgy Gongadze, an outspoken critic of the regime during his tenure at various radio and television programmes, disappeared in September 2000 after publishing several investigative reports on the manipulation of the April 2000 referendum to increase Kuchma's powers.¹²⁵ An accomplished journalist, he regularly published government-critical content in the first internet-only newspaper, *Ukrainska Pravda* (Ukrainian Truth)¹²⁶ despite several threats on his life. When his headless corpse was found in November 2000, a major cover-up operation began, which included the manipulation of forensic evidence, and even the murder of a crown witness.

A few weeks after the discovery, Socialist party leader Oleksandr Moroz announced in parliament that he possessed original recordings directly implicating Kuchma in the journalist's murder. The 300 hours of secret recordings which were made by a former presidential Protection Service official contained an estimated 15-20 minutes of conversations between Kuchma and senior officials (such as the Parliament speaker, the Interior Minister and the head of the Secret Services) discussing

¹²² Annual report by Ukraine's Ombudsman, Nina Karpachova. April 18, 2003.

¹²³ IREX, Media Sustainability Index, 2003

¹²⁴ “If you think, don't drive,” *Economist*, March 28, 2002

¹²⁵ The April 2000 referendum sought a vote of no-confidence in the parliament, and constitutional amendments to reduce the number of deputies (from 450 to 300), to create an upper chamber in order to increase presidential powers to dissolve the parliament, and to abolish the deputies' immunity from prosecution. Such changes would significantly increase the President's powers over the parliament. After the Constitutional Court ruled against the posing of two other questions in the referendum, it was duly held and the result declared overwhelmingly in favour of President Kuchma's objectives. It is uncertain, however, how quickly the “will of the people” will secure law through adoption of its recommendation by the parliament.

¹²⁶ The launch of the internet publication www.pravda.com.ua was triggered by the switch in editorial policy on the daily *Den* (Day). See earlier explanation, in the print media section.

Gongadze's activities and plans to "do something about him". The official who recorded the conversations fled Ukraine, and took the tapes to Harvard University where they are currently being analysed.¹²⁷ Foreign forensic analysis has proved beyond a reasonable doubt that the remains were Gongadze's, yet the body still has not been buried. Four years after the breakout of the "tape-scandal" or "Kuchma-gate" affair, the case remains unresolved.

The authorities' obstruction of the long-running investigation intensified the political crisis, and created an international dimension to the affair. Several pressure groups – including the International Federation of Journalists, Reporters Without Borders, and the International Press Institute – called for an international independent investigation into the case.¹²⁸ Some major reports voiced concern over the government's handling of the investigation, including ones by the OSCE, the World Bank Institute, and the Committee to Protect Journalists. Ukraine's already rocky relations with the Council of Europe, which had been considering its suspension from the organisation since 1998, also further deteriorated.¹²⁹ On the insistence of the US ambassador, a team of FBI experts were allowed to advise the investigators in 2002. Those experts were sent home shortly afterward, having been denied access to any evidence in the case by the Prosecutor General's Office.¹³⁰

Political manipulation of the investigation was evidenced by the fact that – depending on who ordered the autopsy – there were contrasting forensic results. It took almost three years, over twenty autopsies and three DNA tests before the authorities accepted that the headless body belonged to the journalist.¹³¹ As the case moved forward, harassment and intimidation grew against those involved. Gongadze's family, and several medical experts and lawyers had to flee the country, following the fate of the security officer who made the tape recordings.

Despite evidence that the tapes implicating Kuchma are genuine,¹³² Kuchma and his associates denied their authenticity. However, after several MPs came forward

¹²⁷ The official site of the project is at <http://www.wcfia.harvard.edu/academy/melnichenko/>

¹²⁸ See for instance the report entitled "Unity for justice: The Challenge of change for journalism in Ukraine. Inquiry into the social and professional conditions of journalists" by the International Federation of Journalists (IFJ). Published on April 3, 2003, the report is the work of IFJ general secretary Aidan White and John Barsby, the President of the National Union of Journalists of Great Britain and Ireland.

¹²⁹ Council of Europe's Parliamentary Assembly (PACE) Doc. 8666 from 14 March 2000 "Reform of the Institutions in Ukraine". This followed PACE's Resolution 1179 (January 1999) in which it expressed deep concern about the pace at which Ukraine is fulfilling its remaining obligations and commitments as a member of the Council of Europe. In particular, they made reference to the failure of adopting Protocol 6 of the European Convention of Human Rights on abolishing the death penalty, the European Charter for Regional or Minority Languages, as well as a new criminal code, a new civil code, a new law on political parties, and legal frameworks on the policy for the protection of human rights and on legal and judicial reforms. In June 1999, in its Resolution 1194, the PACE decided it would be start procedures aiming at suspending some of the rights of the Ukrainian parliamentary delegation. Since then, the Ukrainian parliament has adopted a new law on political parties, and ratified the European Charter for Regional or Minority Languages. In February 2000, it also voted to abolish the death penalty from the criminal code, thus resolving one of the key issues threatening Ukraine's membership in the Assembly.

¹³⁰ A full chronology of events can be found in the Council of Europe report entitled "The case of Mr. Gongadze", released on July 2, 2003

¹³¹ RFE/RL Newswire, March 12, 2003

¹³² They were pronounced genuine by the Dutch Institute of Applied Research before their release by opposition politician Oleksandr Moroz. Source: Investigating corruption in Ukraine. A case study of the internet journalist Georgy Gongadze, World Bank Institute, 2002

testifying that their conversations on the tape were authentic, the case slipped out of Kuchma's hands and generated even more societal upheaval. Eventually, Kuchma admitted mistakes in the handling of the case – and fired several security officials as well as Yuri Kravchenko, the Interior Minister at the time. Meanwhile, however, the crackdown on the media continued and several other high-profile journalists were murdered. Mykhaylo Kolomiyets, the head of the news agency *Ukrayinski novyny* (Ukrainian News) was found hanged in Belarus in 2002,¹³³ Oleksandr Kryvenko, the director of a station called Public Radio died in a suspicious car crash,¹³⁴ and Igor Oleksandrov, director of the *TOR Television* (in Slaviansk, Donetsk region), was ordered killed by a businessman involved in organised crime.¹³⁵ In December 2003, Volodymyr Karachevtsev, chairman of the Independent Regional Union of Journalists, and acting editor-in-chief of the *Kyrier* newspaper, died under suspicious circumstances (Melitopol, Zaporizhzhya region).¹³⁶ Most of these murders are thought to be ordered by businessmen or local politicians whose corruption affairs the journalists were investigating.

The developments revealed for many in the disillusioned society the scale of manipulation and political corruption, and the intense smear campaign between government and opposition generated a chain of conspiracy theories. According to one theory, Gongadze was killed by a “death squad” which had been set up by Kuchma to annihilate political rivals and other enemies.¹³⁷ Kuchma's counter-theory was that the murder, in fact, was organized by the opposition to undermine his presidency.¹³⁸ Others believed that the affair was a US plot to replace Kuchma with then-Prime Minister Viktor Yushchenko – a theory first put forward by advisers close to Russian President Vladimir Putin.¹³⁹ In 2002, the new Prosecutor General called Gongadze's tragedy a “contracted, politically-motivated” murder¹⁴⁰ and the Kyiv Court of Appeals opened a criminal case against Kuchma following charges by opposition MPs that he violated 11 articles of the Criminal Code, including murder.¹⁴¹

Throughout the years, the Gongadze case became the most widely publicised CIS murder, leading to significant protest movements in Ukraine. According to a 2001 survey, the more people were informed about the Kuchma-gate, the more they believed in the authenticity of secret recordings.¹⁴² The voters' opposition to Ukrainian high

¹³³ Reported missing RFE/RL Newline, October 29, 2002; found dead RFE/RL Newline, 19 November, 2002

¹³⁴ RFE/RL Newline, April 9, 2003

¹³⁵ “Rybak ordered killing of Oleksandrov,” *Ukrainska Pravda*, September 26, 2003

¹³⁶ OSCE press release, December 18, 2003

¹³⁷ The existence of “death squads” was confirmed by Ukrainian prosecutor-general, Svyatoslav Piskun, and Interior Ministry State Secretary Oleksandr Gapon in the newspaper *Segodnya*, August 1, 2002. Gapon said the death squad includes the former head of Kyiv's Interior Ministry directorate for the struggle against organized crime, another Interior Ministry colonel as well as several well-known criminals. Source: Kuzio, T.: Did political death squads commit political murders? RFE/RL Newline, August 22, 2002.

¹³⁸ RFE/RL Newline, November, 2002

¹³⁹ Kuzio T.: Is Ukraine any nearer the truth on Gongadze's killing? RFE/RL Newline, February 28, 2003

¹⁴⁰ RFE/RL Newline, September 18, 2002

¹⁴¹ RFE/RL Newline, October 15, 2002

¹⁴² The survey was conducted on a representative sample of 1,800 respondents by the National Academy of Sciences' Institute of Sociology in March 2001. Source: RFE/RL Poland, Belarus, and Ukraine Report.

politics was represented by the one million "against all" votes in the 2002 elections and the high number of recent émigrés abroad (also one million).¹⁴³ Kuchma's "For a United Ukraine" party came only third in the March 2002 elections, receiving only 12% of the popular vote on national lists. It was only through the somewhat suspicious single mandate constituency votes,¹⁴⁴ and their coalition with the SPDU, that they managed to stay the dominant force in parliament.

To improve their image, the government said they would solve the problem of journalist safety with the provision of weapons for journalists who report on politics, crime and corruption. By this controversial move, the authorities tried to heighten the perception that the negative developments in the media sphere are, in fact, outside their control. They attempted to blame the institution of organized crime, implying that direct responsibility eludes the state. The unorthodox solution to the complex problem was condemned by several advocacy groups, who called it a completely misguided and dangerous invitation – an idea that would increase risks to the entire journalistic community. One group rightly said that journalism cannot be allowed to "become an armed struggle for the right to report."¹⁴⁵ It was also suggested that Ukrainian journalists should have access to risk-awareness training, and that special security provisions, including armed guards if necessary, should be provided for media offices and targeted correspondents who request them.¹⁴⁶

A review of the empirical evidence suggests that only few local journalists dare to stand up and loudly oppose political pressure and discuss issues which could be compromising for Kuchma and his associates. One of the most controversial stories in 2004 – the trial of former prime minister Pavlo Lazarenko¹⁴⁷ in the US – was only covered by two media outlets, a radio station re-broadcasting RFE/RL and the internet newspaper *Ukrainska Pravda*.¹⁴⁸ But at the same time, the "yet silent" societal base for an opposition movement was substantial and growing. In February 2002, the biography of one of Kuchma's fiercest critics, former Deputy Prime Minister Yuliya Tymoshenko, sold in 900,000 copies. "Unfulfilled Orders," published by *Taki Spravy*, was one of the most successful books printed since Ukrainian independence.¹⁴⁹

At the time of finalising this chapter, the Gongadze case was far from resolved. In June 2004, leaked confidential documents proved that senior government officials have obstructed the investigation, and that the cover-up even involved the killing of a

September 24, 2001. It also revealed a clear correlation between the level of respondents' knowledge of Kuchma-gate and their readiness to take part in the "For the Truth" protest campaign of 2001.

¹⁴³ "Stumbling along," *Economist*, April 4, 2002

¹⁴⁴ Ibid.

¹⁴⁵ Press release by International Federation of Journalists, December 14, 2001

¹⁴⁶ Ibid.

¹⁴⁷ Lazarenko was prime minister in 1996-1997 and resigned under the specter of a government investigation into his wealth. During his tenure as PM, he was in charge of restructuring Ukraine's gas industry which brought him over a hundred million dollars in private profit. Shortly after he declared his intention to run in the 1999 elections, he was indicted on corruption charges pertaining to the embezzlement of state funds, and was later extradited from the country. Upon his arrival in the US, he was put to federal custody, and has been in prison ever since. His trial is still ongoing. For more details, see Kane, J.: Lazarenko: The laundry bill, *Transitions Online*, June 11, 2004

¹⁴⁸ Kane, J.: Lazarenko: The laundry bill, *Transitions Online*, June 11, 2004

¹⁴⁹ Krushelnysky, A.: Ukrainian publisher accuses Kuchma government of censorship, harassment. RFE/RL Ukraine report, December 13, 2002

key witness.¹⁵⁰ The opposition registered a motion to impeach the president, and in response, the Prosecutor General swiftly announced that the assassin had been identified, and it was a convicted killer serving a prison term for multiple murders.¹⁵¹ Despite the apparent peak in this story, there seems to be a Western fatigue and a general uneasiness in continuing with investigations. Gongadze's family continued to push Western governments, the International Federation of Journalists, and the OSCE Representative on Freedom of the Media to launch a new investigation into the case, but while the former do not wish to engage in bilateral action against the Ukrainian government ahead of the elections in October 2004, the OSCE and the IFJ do not have the financial means.¹⁵²

3.2. SUSTAINABILITY OF THE MEDIA LANDSCAPE

According to IREX's 2003 Media Sustainability Index, which measured five indicators,¹⁵³ Ukraine's media system is an "unsustainable, mixed system". The country's estimated 20,000 journalists constitute only a meagre 0.04% of the population. (The same figure for the UK is 70,000,¹⁵⁴ or 0.11% of the population.)¹⁵⁵ The large majority of journalists started working without any journalism education, and those who have gone to university, have studied the Soviet-era curricula, which focuses on theory and ignores practical knowledge. The professional development of journalists was not encouraged by the quality of the workplace environment either, as journalists have not been given either the opportunity to master fact-based reporting skills or the chance to work in ethical, professional environments.

Currently, the large majority of Ukraine's newspaper output comprises of under-sourced stories, mostly opinion or sensationalist pieces, which makes journalism a less dry, but equally as unprofessional and non-prestigious vocation as during the Soviet-era. There is also a tendency to make up stories and quotes, and even to publish biased public opinion polls that various political groupings had "ordered" in an effort to disorient the electorate.¹⁵⁶ One of the pronounced goals of the new-era journalism has been to publish entertaining stories which are designed to titillate rather than inform, and it seems that there has been only limited interest in learning news skills.

Overall, the cumulative result of the intimidation, economic dependence and the inconsistent state policies has been an environment of excessive self-censorship. Over

¹⁵⁰ "Pressure piles on Ukrainian leader after leaks reveal attempts to cover up killing," *The Independent*, June 19, 2004

¹⁵¹ 'Killer admits' Gongadze murder, June 22, 2004, www.pravda.co.ua

¹⁵² Conversation with Carlos Pascual, former US ambassador to Ukraine, Miklos Haraszti, OSCE Representative on Freedom of the Media, and IFJ representative Simon Pirani, July 2004

¹⁵³ IREX's annual "Media sustainability index" analyses freedom of speech issues, media pluralism, journalistic standards, financial sustainability and the efficacy of institutions that support the independent media system. The country-by-country analysis and rankings of these factors enable the MSI to uniquely compare independent media sectors in vastly different countries. Source: IREX, Media Sustainability Index, 2003, released in June 2004

¹⁵⁴ <http://www.holdthefrontpage.co.uk/behind/analysis/021205figu.shtml>

¹⁵⁵ No reliable data is available for Hungary and Kosovo at the moment.

¹⁵⁶ "Under assault: Ukraine's news media and the 2004 presidential elections," A Freedom House special report, October, 2003

60% of the journalists admit to practicing it regularly.¹⁵⁷ Media outlets are also opinionated and rarely separate news from opinion. With these patterns in mind, it is hard to estimate to what extent Ukrainian journalists have an understanding of the ideas that lie behind Western-style, fact-based, or even investigative journalism. The fact is that there is only limited investigative reporting and the so-called beat reporting practice (where every journalist specialises in 3-4 subjects) is practically non-existent. The practice of questioning is hardly known, and even during election campaigns, journalists tend to accept the materials they are given by politicians without seeking to challenge them, or to find their own sources of news.¹⁵⁸

Due to the lack of training, as well as the political and economic pressure, there is little genuine initiative among journalists to work in a principled manner, promoting democratic values. But these difficulties in the development of professionalism should not be surprising. Ukrainian GDP has declined by 60% since 1991, living standards significantly worsened and the labour market situation has been described as "desperate" by the International Labour Organisation. Unemployment is estimated at 20%¹⁵⁹ and most unemployed do not receive unemployment benefits. Those who do, receive an extremely low amount of support.¹⁶⁰ All this entails that leaving a relatively safe journalism job, even if it compromises one's views or values, is a difficult decision to make. But in defence of the emerging and struggling independent outlets, it has to be underlined that for most of the 1990s, there was no solid political opposition which would have helped the media in achieving these goals. Without politicians or opposition public sphere elites, who would give their names to stories, it has been difficult to produce material that could be characterised as investigative or fact-based. It was only with the approach of the 2004 elections that a strong opposition seemed to surface in the media.¹⁶¹

Corruption within the media sector itself has also been high. As base salaries are low, most journalists stay in the industry for financial reasons, and not for intellectual or moral considerations. The pay system used at most newspapers supplements the base salary by a small payment for every story printed, and often an under-the-table, untaxed sum larger than the official pay. Even though that gives many in the industry enough money to live on, it keeps them financially dependent on the editorial preferences of the owner. While state journalists receive higher, stable salaries, journalists in privately-owned media make about USD 300 a month.¹⁶² As a result of this, hidden advertising is also nurtured by editors and journalists and is not considered scandalous by Ukrainian readers. (A worthy comparison here is the 1996 Hungarian investigative report mentioned in the previous section, which uncovered wrongdoing and generated a major scandal, hurting the reputation of all newspapers involved.)

¹⁵⁷ Survey conducted in November 2002 by the Oleksandr Razumkov Center for Political and Economic Studies among 727 Ukrainian journalists. Source: *Zerkalo Nedeli*, December 7-13, 2002

¹⁵⁸ Final report by European Institute for the Media, 2002

¹⁵⁹ With the official rate being 4% (source: *Economist*, Economic data on Ukraine) and the society's perception being 40% (International Labour Organisation press release, August 23, 2001).

¹⁶⁰ International Labour Organisation press release, August 23, 2001

¹⁶¹ The website of *Zerkalo Nedeli* carries enlightening articles by opposition politicians and scholars regarding Ukraine's political elites. <http://www.mirror-weekly.com/ie/elita/>

¹⁶² IREX, Media Sustainability Index, 2002

The existing trade unions are too weak to combat the chaotic working scene. Little or nothing is done to improve salaries and conditions in the workplace, and there appears to be no effective negotiating machinery. The National Union of Journalists, for instance, has lobbied for improvement in pension rights but there are no collective agreements and no industrial relations structure that provides for enterprise-level negotiations or agreements that will bring about urgent and needy changes in employment. Foreign journalists and observers living in Ukraine have stressed the need for improved education for young journalists, complemented by opportunities for training and internships in foreign venues.¹⁶³

The various political loyalties, commitments and the competition for under-the-table revenues have created an environment where no professional solidarity has emerged. Observers claim that journalists have not developed neither a shared, healthy antagonism toward political elites, nor a democratic journalistic identity – which would be the foundation of such a solidarity. Instead, various journalist “groupings” are settling scores between each other in a world where allegiances to politicians or business owners come first.¹⁶⁴ As a result, the existing associations – e.g. the Ukrainian Association of Television and Radio Broadcasters (an estimated 100 member outlets), and the Ukrainian National Press Association (90 member outlets), and the Union of Journalists, do not manage to get much done in reality. For example, they have not yet arrived at a widely-endorsed Code of Ethics. In 2002, there was a praiseworthy attempt by a group of well-known and well-respected journalists to create such a code, but the idea did not resonate well with the majority. Only 400 journalists ended up signing it.¹⁶⁵ Several international pressure groups have called for the creation of a professional journalists’ association that would function as a trade union.¹⁶⁶

Also problematic has been the authorities denial of access to public information. A 1997 Law on Information obligates authorities and public offices to disclose all public information but, in reality, journalists are rarely granted access. Information management is weak, and public offices rarely store such data in an easily accessible manner.¹⁶⁷ But when authorities are asked to provide information, they do so only to “friendly” outlets, while opposition newspapers are sometimes even denied access to press conferences.¹⁶⁸ A 2001 survey into the availability of public information concluded that the authorities’ attitude is “disrespectful”.¹⁶⁹ Denial of cooperation was particularly apparent when journalists requested information regarding illegal actions by law-enforcement agents. Reportedly, public information is not only protected from the

¹⁶³ *Kyiv Post*, August 14, 2003

¹⁶⁴ Mykola Tomenko, Director of the Institute of Politics, in Oligarchic solidarity vs. journalistic professionalism. In *Den*, September, 1999

¹⁶⁵ Ivanov, Valery: Ukrainian media in crisis. Lecture at conference entitled “Proliferation without pluralism. The state of media in the CIS in the second decade of transition.” April 9-10, 2003, Kyiv, Ukraine

¹⁶⁶ “Unity for justice: The Challenge of change for journalism in Ukraine. Inquiry into the social and professional conditions of journalists” by the International Federation of Journalists (IFJ), April 3, 2003

¹⁶⁷ IREX, Media Sustainability Index, 2002

¹⁶⁸ IREX, Media Sustainability Index, 2003

¹⁶⁹ Conducted by the Kharkiv Group for Human Rights Protection, the survey collated information dated 1998-2001 from central and local authorities on a large number of topics, e.g., on mortality and its causes, on the number of suicides, pensions and wages in various industries, on unemployment, on environmental pollution in Ukraine, on mortality and desertion in the armed forces, on the number of people infected with TB and HIV/AIDS, on the number of legal and illegal immigrants etc.

electorate, but also due to the authorities' fear of information manipulation by political rivals and oligarchs. The Soviet-era mindset to fear the society seems to have transformed into a fear of the rest of the political elites.

During the 2002 general elections, monitoring groups have registered a slight improvement in election coverage, but that was mainly due to the existence of internet sites, and some Western-assisted projects i.e. the IREX-sponsored voters' guides, which were ran a week before the election in nearly 30 newspapers.¹⁷⁰ The print media gave more exposure to the programmes of a wider range of political parties than in the past,¹⁷¹ but the campaign continued to be reported in a passive manner by the majority of the newspapers, with limited or no theme-based and investigative reporting at all. Observers, however, also reported that the broadcast media provided a much wider range of material for voters than in any election before.¹⁷² In particular, the televised debates did represent a genuine step forward – despite the complaints that the debates were “fake” or that opposition parties received less than fair treatment.¹⁷³ Television stations were also encouraged to hold Western-style debates between candidates, on funds accorded by the International Renaissance Foundation.¹⁷⁴

Due the scale of intimidation, the critical journalistic community is still a minority in Ukraine. Most of them work for Ukraine's estimated 500 news journals that are published on the internet. Of these, several political journals are dedicated to critical analysis of the authorities' activities, and to the provision of a platform for various factions of the opposition. Political online newspapers use professional journalistic techniques, i.e. more balanced structures in terms of sources and articles types (such as general political stories, interviews, analysis etc.). While traditional newspapers, such as *Fakty I Komentarii* focus mainly on officials and associated political events, online media outlets, such as *Ukrainska Pravda*, *Korrespondent.net*, mostly explore themes.¹⁷⁵

The number of internet providers grew from 103 to 260 in five years (between 1997 and 2002). However, the internet is not yet developed enough to maximise the potential impact of investigative reports. There are starkly different estimates as to the number of internet users – with one survey alleging that about 1,25% of the population has access to internet (600,000 people),¹⁷⁶ another claiming that 6.4% of the population (3.1 million people) are regular users,¹⁷⁷ while some estimate that the figure is as high as 8% (3.8 million people).¹⁷⁸ Either or, these are still relatively low figures to make a social-political impact on society. Service fees continue to stay relatively high (up to 0.70 USD per hour), computers are scarce, and the technical prerequisites (telephone

¹⁷⁰ IREX, Media Sustainability Index, 2002

¹⁷¹ Final report by European Institute for the Media, 2002

¹⁷² Ibid.

¹⁷³ These complaints have been registered by observers such as the OSCE and the EIM.

¹⁷⁴ The International Renaissance Foundation is a Kyiv-based charity, part of the Soros network. Together with the UNDP it operates a Civic Space Portal (www.civicua.org) - an information resource toolkit that provides civil society organisations with an online platform for networking and information exchange.

¹⁷⁵ See Krasnaboka & Brants (2002: 13) for results of the content analysis

¹⁷⁶ “The internet under surveillance,” Reporters Without Borders, annual report, 2003

¹⁷⁷ GfK-USM survey, quoted by Kuzio, T.: The internet and media freedom in Ukraine, RFE/RL Russia and Eurasia Review, July 8, 2003

¹⁷⁸ IREX, Media Sustainability Index, 2003

lines, computers) are slow to spread. Ukraine received the 70th place on a list of 82 countries, surveyed for "network readiness" in 2003.¹⁷⁹

Authorities, however, have considered the internet as a "threat to national security", arguing that it carries a large volume of anonymous, unverified, and compromising material.¹⁸⁰ To fight that threat, the authorities have stepped up their surveillance activity. Even though the first attempt failed (when Kuchma wanted to make the allocation of internet service provider licenses conditional on the installation of transmission tracing equipment¹⁸¹), the government set up an Internet department within parliament's State Information Committee with the aim of "monitoring false news about Ukraine."¹⁸² A month later, a government decree put the department under the control of the secret police (SBU). From then onwards, the website and national domain administrator company has been controlled by the SBU. Authorities also started administering a database of "media criticism" against Kuchma, and have pushed plans that internet providers maintain information about site traffic (i.e. visitors) and condition their contracts on the users' registration with the authorities.¹⁸³

Several prominent websites have been closed down, but later restarted with foreign (mainly US) funding, and moved to servers outside of Ukraine.¹⁸⁴ Despite the country's twilight conditions for media freedom, there is evidence of an emerging opposition journalism movement on the internet. Several independent internet media outlets have become influential – including *Ukrainska Pravda*, *Korrespondent.net*, and *Part.org.ua*. Some of these are so popular that many government officials are reported to begin their day by scanning their contents.¹⁸⁵ At the same time, a study by Semetko & Krasnoboka (2003) indicates that sites of online-only Ukrainian newspapers are more popular than online versions of traditional newspapers. Another positive note is that, based on the number of hits, political party and politician websites are of least importance to users.

In the run-up to the 2004 elections, the authorities further tightened their grip on the internet. A new Telecommunication Law, passed by parliament in November 2003, gave the government unrestricted and uncontrolled rights to eavesdrop on internet traffic, through monitoring the activities of any Ukraine-based internet user.¹⁸⁶ The new law foresees the creation of new supervisory bodies, including a "State Telecommunications Inspectorate" which would have the right to enter the premises of

¹⁷⁹ According to the "Global Information Technology Report 2002-2003," Finland was in first place, followed by the United States and Singapore. Among other Central and Eastern European countries, the Czech Republic ranked 28th, Hungary 30th, Slovenia 33rd, Latvia 38th, Poland 39th, Slovakia 40th, and Lithuania 46th. The Network Readiness Index (NRI) measures the degree of preparation of a nation or community to participate in and benefit from internet communication technology (ICT) developments. The NRI is composed of three component indexes which assess: the environment for ICT offered by a given country or community; the readiness of the community's key stakeholders (individuals, businesses and governments); and the usage of ICT among these stakeholders. Source: www.weforum.org/gitr

¹⁸⁰ Kuzio, Taras: The internet: Ukraine's new samizdat, RFE/RL Newsline, January 4, 2002

¹⁸¹ The decree "On Licensing for Several Types of Business Activity," was signed by Kuchma on June 27, 1999

¹⁸² The department called "State Centre for Information Security" was set up in January 2001.

¹⁸³ "The internet under surveillance," Reporters Without Borders, annual report, 2003

¹⁸⁴ Kuzio, Taras: The internet and media freedom in Ukraine, RFE/RL Russia and Eurasia Review, July 8, 2003

¹⁸⁵ Lozowy, Ivan: A web with frontiers. Transitions Online, November 27, 2003

¹⁸⁶ Ibid.

internet service providers, and get its hands on all “necessary information.” In addition, a new law (awaiting passage in July 2004 when this chapter is being finalised on the Activities in the Area of Information Technology would obligate both Internet service providers and users to transmit only “true, complete and timely information.” Website owners would be forbidden from publishing information that “may impugn the honour, dignity, and professional reputation of individuals”; from “interfering in the private lives of citizens”; or distributing “incorrect or distorted information.” Last but not least, the owners of websites would be liable for all damages caused by information located on their sites.¹⁸⁷

The authorities, however, did not have enough capacity to enforce these measures, as shown by the dramatic growth of internet-based campaigning and reporting during the 2004 elections. As mentioned earlier, a great number of high-quality internet publications appeared (or were revamped to provide higher quality and English- language reporting) during the year – mainly financed through US assistance – among them www.ukrnow.com, www.news.org.ua and www.elections-ua.org. These publications had a decisive impact on the way the Ukrainian election was covered internationally, and thus contributed to the emergence of a political obligation on behalf of Western governments to intervene in the falsified elections.

3.3. MEDIA AND CORRUPTION

The combination of widespread cronyism, excessive state controls and a weak economic climate have resulted in an authoritarian-style media system which is unable and in most cases unwilling to hold authorities accountable to the publics. The degree of state capture by oligarchs and the widespread corruption in Ukraine has prevented the media from performing their basic democratic functions, and their role has been limited to being a passive platform for corruption trials between rival political and business groupings. This section will examine the state of corruption in Ukraine, in an attempt to reveal a further layer of complication protracting the media’s democratisation.

For the past decade, Ukraine has been ranked within the top five most corrupt countries in the developed world.¹⁸⁸ Despite the fact that a real increase in corruption in the post-1991 is impossible to measure, both administrative corruption and state capture are considered endemic by a number of perceptions surveys. The highest profile corruption cases included the alleged diversion of USD 613 million IMF funds to speculative government bonds by Kuchma and his associates (1997), and former Prime Minister Pavlo Lazarenko’s transferring of USD 114 million of public funds to US banks and brokerages (1996-1997).

According to the World Bank, Ukraine’s flourishing underground economy is estimated to be about the same size as the official economy, and the annual sum of total bribes equals the country’s trade turnover for a two-month period. In a 2000 poll, over 60% of private individuals confessed that they had bribed officials to receive services to which they are entitled by law.¹⁸⁹ Meanwhile, conducted jointly by the World Bank and

¹⁸⁷ Ibid.

¹⁸⁸ Transparency International, Corruption Perceptions Index, 2003 www.transparency.org

¹⁸⁹ Conducted in March 2000 by the Ukrainian Centre of Economic and Political Studies

EBRD, another survey revealed that 32% of Ukrainian businesses regularly pay bribes to influence public policy and public institutions.¹⁹⁰

The roots of Ukrainian corruption are similar to those of other post-communist countries i.e. that wealth has grown concentrated in the hands of a narrow elite, and the phenomena has become an outgrowth of the struggle for control over key economic sectors. One of the direct reasons for the proliferation of corruption in Ukraine has been the “over-regulation” of the economic and social spheres, which was purposefully designed to serve the political and business elites, and their manipulative conduct. The laws are non-transparent, often contradictory, and were created to confuse, rather than provide a ground for cooperation with the Ukrainian people and businesses.¹⁹¹ Meanwhile, judicial review is weak, and salaries for public officials are low.¹⁹²

In response to the pervasive levels of corruption, the leadership designed numerous pieces of legislation, and has launched several anti-corruption initiatives. By October 2000, there were 52 legal acts devoted to fighting corruption, including a 1995 foundation law.¹⁹³ The second major piece of legislation was introduced by Kuchma as a decree in 1997.¹⁹⁴ Designed to tackle corruption by strengthening institutional capacity (the court system and enforcement agencies), increasing legal capacity (urging passage of new anti-corruption legislation), and improving statistics about corruption, the decree heavily depended upon enforcement organs, such as the Office of the Prosecutor General, the Security Services (SBU), the Justice Ministry as well as the Interior Ministry. The authorities failed to recognize that corruption must be treated as an integral element of a systemic economic reform, and not a security and law enforcement matter.

Yet, this did not prove to be the most important flaw of the anti-corruption legislation. The common feature of all the above pieces of legislation has been that – similarly to the media-related legislation – they have not been implemented. The key stipulations have not been observed, and investigations into corruption by top officials that are undertaken by special parliamentary commissions, investigative journalists, or even the Audit Chamber tend to go nowhere. Like many freedom of expression and media-related pieces of legislation, the fight against corruption seemed to be part of the double-faced foreign policy by the Kuchma regime. The government was inactive in implementing programs which might have had a profound effect in curbing corruption,

¹⁹⁰ 247 businesses were surveyed in this joint report.

¹⁹¹ To start an enterprise, an entrepreneur must obtain 15 permits and official notifications from various authorities. In 1998, the number of laws and by-laws regulating taxation exceeded 600, while foreign investment is regulated by more than 130 normative acts. Moreover, more than 100 local and state authorities have the right to inspect enterprises and other legal entities (including NGOs). Sixty different authorities have the right to seize bank accounts, revoke licenses, or impose similar punitive actions.

Source: “Nations in transit” report, 2001, Freedom House

¹⁹² “Nations in transit” report, 2001, Freedom House

¹⁹³ According to the 1995 Law On Fighting Corruption, civil servants may not engage in profit-generating activities. However, the law does not provide an enforcement mechanism and contains loopholes that allow civil servants to engage in “creative activities” like research, consulting, and lecturing. While top government officials formally resign their positions as heads of companies, they often continue to promote their interests through honorary positions. Source: “Nations in transit” report, 2001, Freedom House

¹⁹⁴ Dubbed “Operation Clean Hands,” the decree was introduced on April 10, 1997.

such as tax, administrative and judicial reform, civil society development, and public awareness-raising.¹⁹⁵

Over the years, corruption has become a state-sponsored phenomenon, used to control society through the surveillance and blackmail of political and business elites. Just like in the media realm, anti-corruption laws have been abused for purposes of political and business rivalry. In the absence of a rule of law, the efforts to strengthen the state in order to eradicate corruption have only heightened the selective enforcement effect of the laws. As Darden asserted (2003) the "intertwined trinity of pervasive corruption, state surveillance and systematic blackmail have become powerful levers of state control – leading to a situation in which the law and the formal trappings of democracy serve merely as a facade behind a potent, and hierarchical state command structure."

Over the years, Darden's analysis and assessment of the corruption patterns in Ukraine have become widely valued and quoted. Among others, he has argued that after 1991, corruption and illegality among the elite continued to stay accepted and even encouraged by the top leadership, resulting in a general atmosphere of impunity. Added to this came an extensive state surveillance by offices directly under the control of the president, including the tax authority, the interior ministry, and the secret police. These accumulated files and criminal cases that document wrongdoing on the part of officeholders or private actors, are used whenever compliance with certain state directives is required. Any non-complying member of the political or business elite is presented with a file containing compromising materials (called *kompromat*) or evidence of wrongdoing, with the implicit or explicit threat that a sudden decision to enforce the law would lead to the imprisonment of the individual in question.

If blackmail is insufficient, individuals or groups that openly oppose the policies of the state suddenly find that the veil of impunity has been lifted and the blackmailing powers use the media to emphasise that point. The *kompromat* files are made public, and non-compliant individuals and their organizations immediately find themselves under close scrutiny or prosecution by the tax inspector, the law enforcement bodies, or other state institutions. But as long as consistent compliance with state directives is maintained, the state's role amounts to no more than surveillance, blackmail, and, in some cases, a cut of the proceeds. The mere threat of exposure and prosecution serves to keep the elite firmly under control.

The secret recordings of the Kuchma-gate scandal provide ample evidence of the existence of this system. Several recordings suggest that individuals were allowed, if not encouraged, to steal from the state bodies and enterprises under their control, and the state even intervened to assist the perpetrators in covering their tracks. Such protection would be withdrawn in the event that an individual became a political threat. The long list of examples of such incidents includes the high profile case of Pavlo Lazarenko and Yuliya Tymoshenko.¹⁹⁶

¹⁹⁵ "Review of the Progress in Combating Corruption in Ukraine," an independent report by the Ukrainian Integrity Program, Ukrainian Legal Foundation, Kyiv, August, 1998

¹⁹⁶ Tymoshenko replaced Lazarenko as the head of Unified Energy Systems (UES), Ukraine's principal energy importer, and later became a deputy prime minister under Prime Minister Yushchenko. Her personal wealth is estimated at 1 billion USD, and she was imprisoned for a month on charges of fraud

The use of blackmail as a tool for securing compliance was not limited to powerful individuals. In the 1999 presidential elections, lower-level officials throughout the country were blackmailed and threatened with the selective enforcement of the law by the state authorities to secure Kuchma's victory. According to the OSCE, "interference in the election campaign by state officials, public institutions and their workforce was widespread, systematic, and coordinated."¹⁹⁷ The use of blackmail to force lower-level officials to work on Kuchma's behalf appears to have been remarkably successful. Kuchma won the election after beginning with an approval rating in the single digits.

All in all, the authorities have created a system characterised by a "rule through law" (borrowing a term from Stephen Holmes), and while all political elites and business oligarchs are interested in keeping a status quo of this systematic corruption, with the media and its mobilising and awareness raising powers disabled, the only potential critics of the system could be the representatives of civil society. However, Ukraine's civil society is still relatively dysfunctional, and the broader population is fragmented, uninformed and untrusting of most politicians.¹⁹⁸ These mostly apolitical masses have few non-political representatives that are willing to fight the all-powerful political elites. The only leaders who could bring about change are also power-seeking politicians, but at least those have realised that Ukraine cannot sustain the international isolation much longer, and some form of democratisation is the only alternative.

Gongadze's murder suggests that Kuchma and his government reached a state of paranoia, fearing that the "political balance" they had created might be upset by a few investigative reports. Kuchma has been described as a man who "fears journalists who criticize him," a man who "personally fights people."¹⁹⁹ More broadly, the scandal has exposed the glaring gap between the official and real communication patterns of the political elites – a culture of virtual politics where a public world of gesture masks an alternative reality of private intrigue and complicity. It has confirmed that democratisation in Ukraine exists only on the surface, and behind the official historical, cultural and targeted political connection to Europe, there is a backward, Soviet-style political culture.

With reference to the media's role in reporting and curbing corruption, it has been pointed out that the media's attempts at uncovering corruption scandals have added to the societal perception of the extent of the problem. (Zyla, 1999: 249) This might be true, given that more transparency generates more public knowledge and more negative perception of wrong-doing, but it is even more important to look at the authorities attempts to suppress the media's coverage of such affairs. Most newspaper and broadcast outlets which have revealed corruption stories involving public officials, local municipality wrong-doing or dirty affairs by businessmen, have been harassed,

and embezzlement in 2001. The alleged mismanagement occurred during her tenure as head of UES, and involved cooperation with Lazarenko.

¹⁹⁷ OSCE/ ODIHR final election report entitled "Ukraine Presidential Elections, October 31 and November 14, 1999", www.osce.org/reports

¹⁹⁸ According to a 2002 poll, 92% of Ukrainians feel that they have no influence over the authorities. The same number believe human rights are routinely infringed upon and 80% feel their standard of living has worsened since 1990, while 72% want Kuchma to resign and 52% would support his impeachment. Data by Ukrainian Centre for Economic and Political Studies.

¹⁹⁹ RFE/RL Ukrainian Service interview with Mykola Melnychenko, aired in Ukrainian, December 29, 2001

their editorial boards forcefully changed, or shut down. Every investigative report published in the media has met with aggressive antagonism from the world of politics and business.

Since 1998, Ukraine had been criticised by the Council of Europe for its lack of respect for civil liberties and human rights and for failing to meet its obligations to the organisation, such as the abolishment of the death penalty. Following the disgraceful presidential election of 1999 and alarmed by the pending, unconstitutional referendum, there was a formal initiative within the Council in 2000 (before Gongadze's murder) for Ukraine's membership to be suspended. A year later, stung by the Ukrainian executive's "repeated aggression against and continuing intimidation of journalists, members of parliament, and opposition politicians" and the lingering failure to reform the civil and criminal codes, the same committee recommended Ukraine's expulsion from the organisation – a sanction unprecedented in the Council of Europe's fifty-year existence.²⁰⁰

In a scathing report, published shortly before the Kuchma-gate revelations, a Council of Europe committee wrote that "geopolitics will no longer be perceived as a reason for patience if Ukraine does not rapidly introduce a new style of politics and serious reforms." But instead of suspending Ukraine's membership, the Council approved an "Action Plan" to urge Ukraine to implement its legal framework for the media and to promote substantial changes in the media culture of its officials and journalists.²⁰¹ Concerned over the extent of censorship, the Council of Europe Parliamentary Assembly (PACE) launched a monitoring project, studying broadcast coverage and the implementation of media policy.²⁰² The EU also released several statements on the media situation in Ukraine and called on the authorities to implement media legislation in accordance with OSCE and Council of Europe standards. It also called on authorities to refrain from any action that amounts to undue influence on journalists and owners of media outlets or to restrictions of journalists' professional rights and freedoms.²⁰³

But these diplomatic calls did not have much resonance in Ukraine and the Council of Europe's investigation received much criticism by both domestic and international observers. The final report, which seemed to take the side of the Ukrainian authorities and concluded that there was not enough evidence to implicate Kuchma,²⁰⁴ was attacked among others by the UK National Union of Journalists who called it a "shameful failure" and "pitifully inadequate".²⁰⁵ Meanwhile, Reporters Without Borders described the report as "a mere whitewash of the errors of the former Prosecutor General [Mykhaylo Potebenko] and an unjustified statement of confidence in his

²⁰⁰ "Honouring of obligations and commitments by Ukraine", Report by the Committee on honouring of obligations and commitments by member states of the Council of Europe, Doc. 9030, April 9, 2001, available from www.coe.int

²⁰¹ "Action Plan for Ukraine," Council of Europe, 2001, available from www.coe.int

²⁰² Announced in October 2002. "PACE's Severinsen to look into situation in Ukraine", article available at www.foreignpolicy.org.ua

²⁰³ European Union statement, Permanent Council, No. 420, November 14, 2002

²⁰⁴ Report by Hans Christian Krueger for the Parliamentary Assembly of the Council of Europe, entitled "The case of Mr. Gongadze", released on July 2, 2003

²⁰⁵ "NUJ Slams Council of Europe over Ukraine Report," August 15, 2003, article available at www.foreignpolicy.org.ua

successor [Svyatoslav Piskun]”.²⁰⁶ In the aftermath of the report’s release, *Transitions Online* described the Council as a “watchdog with few teeth” and an organisation that is “half-blind, weak, and outsized.”²⁰⁷ While these might be exaggerated, they aptly illustrate the degree of emotions which have been generated by the Gongazde scandal in both Ukraine and the West.

Ukraine’s early admission was a conscious policy to encourage democratic development, but the above analysis suggests that the benevolent measure could have backfired. The Council’s own admission of this has been indicated through the various recommendations issued regarding Ukraine.²⁰⁸ The issue of lowering human rights standards for the admission of new states has been a long-standing dispute within the ranks of the Council of Europe, and even led to the resignation of the institution’s secretary general (Peter Leuprecht) in 1997.

4. CONCLUSION

The media sector in Ukraine has undergone tremendous transformation between 1991 and 2004, both in terms of its structure, organisation, legal and financial environment. Formal censorship was abolished at the end of the Soviet era, and independence brought with it a measure of media pluralism, and an ambitious legal framework to support liberalisation and media democratisation.

However, to date, few constructive policies have been implemented. While in most countries of Central Europe, privatisation and liberalisation have proved effective ways to ease coercive control, in Ukraine this has produced the opposite effects – during his presidency between 1994 and 2004, President Kuchma built up a regime in which a handful of government-leaning financial and political groups have acquired an estimated 95% of all media outlets. Western investment was limited, and the development of the new political party system and more generally the redistribution of power and wealth went side by side with the establishment of new media empires. As a result strong political parallelism developed on both the print and broadcast segments.

There is widespread evidence that the media sector has been manipulated to serve solely presidential and oligarchic interests while ignoring or stifling the voices of the fragmented political opposition or the needs of the society. The administration of president Kuchma has been criticised for explicit violations of press freedom by issuing instructions on how the media, in particular, television, may cover news. Although constitutional guarantees of freedom of expression are in place, in practice, the exercise of journalism takes place in poor and unprofessional conditions, where editorial and journalistic pluralism has never fully developed. As a result, the media have become so dependent on the elites for their survival that the media landscape has become integrated with the political and economic sphere, rather than civil society. Its structure has developed in a way that it not only fails to represent civil society, but shows limited

²⁰⁶ “Reporters Without Borders Condemns PACE Report on Gongadze Case,” August 21, 2003, article available at www.foreignpolicy.org.ua

²⁰⁷ *Transitions Online*: Editorial: The dead, the bad and the ugly. August 25, 2003

²⁰⁸ PACE Recommendation 1451 (2000) on the Reform of the Institutions in Ukraine; Council of Europe Resolution 1239 (2001) on the “Freedom of Expression and the Functioning of the Parliamentary Democracy in Ukraine”; PACE Recommendation 1497 (2001); Council of Europe Resolution 1262 (2001); PACE Recommendation 1538 (2001).

capacity to develop such potential any time soon. The media system remained a hierarchical, bureaucratic establishment, in which elaborate procedures have been developed to block the emergence of independent initiatives.

Numerous press freedom violations have been documented over the years – among them newspaper and broadcast office closures, assault on hundreds of media staff, as well as the murdering of a number of journalists investigating allegations of corruption. There have also been a massive number of libel suits against media organisations and individual journalists, claiming unrealistic amounts of compensation, threatening the survival of independent media enterprises. There is also a profound lack of transparency and openness in government, despite promises to guarantee the right of access to official information. The power struggle for and within the media has been much more open and aggressive than in the case of Hungary – leading to a growth in cynicism, disenchantment and confusion in the public.

Up until the dramatic election of 2004, which witnessed the long-awaited victory of a more democratic-minded politician and the departure of Kuchma from the political scene, the myriad questions surrounding media freedom served as a *Litmus test* regarding the political elites' commitment to democratic values and the overall transition process. At this point of change, the media system is no longer structured along the Soviet model but only very few members of the political and business elite have developed a commitment to the democratisation of the media sphere. Despite public pronouncements and legislation, the real driving force behind media policy seems to have been the desire to exercise control and – ultimately – to attain power and personal gain. One possible and often-cited explanation for this blatant failure is that Ukraine has virtually no experience of being an independent or democratic state, and that until very recently, it lacked a viable democratic political force. As the Hungarian case showed, both a united democratic opposition and a bold civil society are essential ingredients in generating a critical mass that would drive democratic change, including media reform, from below.

Our methodological “Four theories” hypothesis seems to have failed in this context as neither the libertarian nor the social democratic models could be identified in policy measures or debates. Given that financial interests proved more important than political loyalties in determining the relationship between political elites and the media, the same applies for the development assistance model. Instead, Ukraine's post-Soviet media system has been a unique version of the authoritarian model where state interference and financial dependence on a few powerful individuals have entirely subordinated the media to the ruling class. Between 1990 and 2004, a new form of repressive regime was in the making, based neither on ideological nor a military force, but on the power secured partly through the media system.

The changes that occurred in the media landscape during this period therefore should not be classified as “media democratisation”, but rather as a renegotiation of the media power relations between the political and business elites, with the exclusion of civil society. At the same time, Ukraine's declared interest in integrating with the West, and its high dependence on foreign assistance and investment, have created a strong negotiating position for the West to encourage media reforms. Several human rights groups and independent analysts have argued that Western governments and organisations should have done more to “blackmail” the Kuchma regime into softening

its authoritarian policies. Overall, more liberalisation, with simultaneous emphasis on principles of the social democratic model, would be key to achieving a more free and democratic media landscape.

Given the solidity of the structural arrangements that have developed due to the oligarchic ownership patterns, I would argue that even a more democratic-minded government will find it difficult to launch genuine democratisation. In theory, there would be two fundamental avenues to proceed on. One could be described as a "domestic" aspect, involving the bottom-up creation of an enabling environment which is more supportive of media democratisation. This would require the development of elite support for the rule of law, the restructuring of the state portfolio (including the creation of a public service broadcaster), and the allocation of public funds to support quality media outlets. Yushenko's governance will undoubtedly bring positive change and advance the democratic development of the media, but correcting the current structural problems will only be possible if there is stable democratic commitment on behalf of the majority of political elites. This might change if the 2006 parliamentary elections are also won by democratic-minded politicians.

However, there is little evidence that such a stable commitment could fully develop in Ukraine any time in the foreseeable future. The domestic aspect would also involve a push by journalists for an enhanced status, and for improved working conditions, as well as a campaign for a comprehensive media reform, including the clarification and consistent implementation of the legal framework. There is also a need for a new media ethics commission, and the strengthening of journalist trade unions. These democratic initiatives will have to be performed by the local political and journalistic community. Thus, the future shape of the Ukrainian media depends not only upon Yushenko's willingness and ability to reform but on the existence of a society-wide consensus.

Meanwhile, a second avenue to advance media democratisation would be an external aspect. In this context, foreign ownership would be fundamental to import high-level production standards and journalistic values, and to lift the direct political pressure that is currently exercised by oligarchs. This external aspect would also involve more pressure, and conditioned financial assistance on behalf of Western governments and international organisations. A combined increase in Western investment and well-administered aid could help to reach the desired critical mass quicker, and thus facilitate the beginning of a real media democratisation process.

The idea of increased foreign assistance of course raises multiple questions about whether certain values of media freedom may be imposed from the outside. This deserves a closer examination, especially in cases where such support is excessive. In the following chapter, I will examine the Kosovo experience, the largest international media democratisation effort yet, in the hope of finding an answer to the often raised question about whether extensive international involvement in media reform is conducive for a country in transition.

CHAPTER V.

CASE STUDY OF KOSOVO

Frequent abbreviations

IMC	Independent Media Commission
IREX	International Research and Exchanges Board
LDK	Democratic League of Kosovo
PDK	Democratic Party of Kosovo
AAK	Alliance for the Future of Kosovo
RTK	Radio Television Kosovo
SRSG	Special Representative of the UN Secretary General
TMC	Temporary Media Commissioner
KLA	Kosovo Liberation Army

This chapter continues the detailed discussion regarding the issues confronting the media reform process, in both the external and internal dimensions. It will cover media-related developments both prior to, and after the 1999 military intervention, but will focus on the policy decisions adopted during the first five years of the UN's authority (1999-2004). Kosovo is possibly the best case study among the three, as various stakeholders often openly clashed over the applicability of different media theories. Beyond analysing the background and application of the various media theories, the discussion in this chapter will be widened to include an evaluation of the emerging media landscape's compatibility with the new political power-sharing system.

Since 1999, the International Community has been trying to create a democratic political system which matches Kosovo's multi-ethnic make-up¹ and Western standards of political representation. Similarly to the neighbouring, ethnically divided societies of Bosnia and Herzegovina and Macedonia, the assumption in Kosovo has been that the principle of majority rule might harbour the danger that minorities are overruled or disadvantaged. To prevent the occurrence of such developments, political institutions have been designed in a way that they assure a parity of esteem on all levels of the political system. Kosovo's power-sharing arrangement was designed to empower all ethnic groups and to encourage the development of a multi-ethnic, multi-lingual state, in which all citizens have the right to education, media, health-care and public services in their own languages. Yet, in reality, the societal interaction between different ethnic groups remained limited during the period of review, and only those parts of the arrangement seemed functional which apply to public employees (parliamentary

¹ Of the estimated 2 million inhabitants, 1,8 million are Albanians, 130,000 are Serbs, 35,000 are Turks, 40,000 are Bosniaks, 15,000 are Goranis, while 35,000 are Romas, Ashkalies and Egyptians. Over one-third of the Serbian community live in the north of Kosovo where Serbs are a majority, while under two-thirds live in Albanian-dominated part of the province, scattered around in enclaves. Sources: OSCE report of the "Status of minority media in Kosovo", May 2002, and European Stability Initiative: "The Lausanne Principle. Multiethnicity, territory and the future of Kosovo's Serbs," June 7, 2004, www.esiweb.org.

procedures, public service institutions etc.), but not those which seek to extend the concept of multi-ethnicity and inclusiveness to the wider society. (i.e. education, health care, policing etc.)

Societal perceptions are crucial for the long-term success of any power-sharing arrangement, and in this context, the emerging media system provides a useful angle on the perceptions, realities and the societal endorsement of a structure that was imposed by the international community. A democratic, representative media system would undoubtedly contribute to the success of political power-sharing structures, and its development path is symbolic of the willingness of the ethnic groups to participate in the creation of a joint state. Alternatively, it could also signal major structural problems within a vulnerable democracy.

Throughout South Eastern Europe, the overall democracy assistance project has been complicated by conceptual divisions regarding the definition of an effective civil society, good governance and an independent media system, between both various donor countries, and donor countries and locals themselves. This conflict has created considerable confusion and undermined the effectiveness of aid programs aimed at strengthening these fragile democracies.² In addition, the methodologies and priorities of media democratisation were not carefully elaborated, and only limited assessment of such projects was performed, making it difficult for various democratising actors to share information within one recipient country, or to transfer know-how and "lessons learnt" to other countries.

In addition, Kosovo's media reform was complicated by the legacy of the coercive structures imposed by the Milosevic regime in the 1990s, as well as the trauma³ of 15-month ethno-political conflict.⁴ These experiences initially led many media outlets toward adopting a mandate which campaigns for Albanian independence and serves as a primary platform for actions of inter-ethnic revenge. The uncertainties accompanying the post-conflict reconstruction and democratisation effort also added a further layer of complication – embedding the media reform in an environment without a functioning local government or a working economy, not to mention law enforcement mechanisms, such as a professional judiciary or a police service.

Daily information on Kosovo's political developments has been available through the local media monitoring reports of the regional UN and OSCE offices, as well as from Radio Free Europe. Some of the empirical information used in this chapter has been gathered from internal UN/OSCE documents, relating to monitoring data and election coverage, as well as various surveys and databases, originally produced for

² This is dealt in more detail by "Future directions for US assistance in Southeastern Europe" a report by the German Marshall Fund of the United States, February 2001

³ The conflict, which led to the biggest population displacement in Europe since the end of World War II, took a heavy mental toll on many Kosovar Albanians. An American-conducted survey found that 43% percent showed signs of psychiatric illness, two thirds had found themselves in a combat situation or close to death, and a quarter said they had had friends or family murdered, or had witnessed the murder of a stranger. Meanwhile, every fifth Albanian person displayed symptoms of post-traumatic stress disorder. Source: AFP, August 1, 1999 quoting a survey published in the Journal of the American Medical Association. (The survey data was based on interviews with 1360 people.)

⁴ The conflict has been widely documented internationally, among others by the International Crisis Group reports "Kosovo's long hot summer: Briefing on military, humanitarian and political developments", September 2, 1998, and "War in the Balkans: Consequences of the Kosovo conflict and future options for Kosovo and the region", April 19, 1999

internal use. Direct, media democratisation-related information has proved to be difficult to attain, as the information management has been relatively weak with the international authorities, which is indicated by the lack of useful databases, the lack of continuity in publishing annual reports⁵ or making information open to the public.⁶ Thus, the collection of the majority of the data required for this chapter would not have been possible without spending a year working with the OSCE in Kosovo, as well as conducting focused field research and a number of interviews.

The chapter is limited to the discussion of media-related developments, and does not attempt to address either the legitimacy of the military intervention of 1999, or other areas of concern for the International Community.

1. INITIAL CONDITIONS

Kosovo is an area of less than 11,000 square kms in the south of the Republic of Serbia bordering the Republic of Montenegro, the Former Yugoslav Republic of Macedonia, and Albania. The province is inhabited by approx. 2 million people, 90% of which are ethnic Albanians. Historically, Kosovo was part of the medieval Serbian Kingdom, and for several centuries, it also belonged to the Ottoman Empire, the Kingdom of the Serbs, Croats, and Slovenes, as well as the Yugoslav Kingdom. During World War II, it was united with other Albanian territories to form a Greater Albania, and later became part of socialist Yugoslavia's Republic of Serbia.

The number of Serbs shrunk from one-third of Kosovo's population in 1961 to less than one-tenth in the 1990s. This relative decrease was partly due to the low living standards in Kosovo, which resulted in an exodus of Serbs to more dynamic parts of Yugoslavia, as well as the high birth rate among Albanians. In addition, the Serbian perception of the post-1974 period in Kosovo has been shaped by the experience of the "national key" policy – an *affirmative action* style employment policy which ensured proportional representation of ethnic groups in the public sector (i.e. almost all sectors of the job market). Consequently, the Serbs saw themselves as increasingly disadvantaged in Kosovo, and chose to emigrate in significant numbers.⁷ Despite this integrative policy, the two communities lived in a segregated manner, and unlike in other parts of Yugoslavia, they rarely mixed and never intermarried.

The 1974 Yugoslav constitution decentralised power from Belgrade and transformed Kosovo into a self-governing entity of Serbia. The regional autonomy gave the growing Albanian community significant liberties in setting up independent political, judicial and cultural institutions. For the first time, the local, Albanian-language media began to expand – Radio Television Prishtina grew to be one of the most professional stations in the Balkans employing 1,800 people, and the daily *Rilindja* saw its circulation increase to its highest (80,000) since it began publishing in 1945. The *Rilindja* publishing house was producing ten different magazines and

⁵ Annual reports of the Temporary Media Commissioner were only released in 2001 and 2002, during the tenure of Anna Di Lellio.

⁶ The Office of the TMC does not have a website.

⁷ As early as 1993, there have, however, also been reports by independent human rights organisations that Serbs were subjected to intense ethnic discrimination and intimidation on the part of Albanians in Kosovo. Source: International Helsinki Federation for Human Rights: "From Autonomy to Colonisation: Human Rights in Kosovo, 1989-1993" (Helsinki: IHFHR, 1993)

newspapers, ranging from women's monthlies (e.g. *Kosvarja*) to various industry papers (e.g. the agricultural monthly *Bujku*). They also published an average of 200 book titles a year.⁸

These developments were encouraged under Yugoslavia's unique communist system which, generally speaking, produced the most sophisticated and liberal media system (often referred to as a "public information system" under Tito) in the communist region. At the same time, this was also the first time in "Kosovar history" that the Albanian cause could be freely expressed in the media, without fear of reprisals. The Kosovo Albanian (hereinafter K-Albanian) community, which throughout the 20th century defined its national identity through language and culture (and not through religion⁹), consciously began to use the media's power for the purposes of nation building.

After Tito's death, however, the news media across Yugoslavia became a central tool in the struggle for power between the republican elites. They used the state-owned media to recruit support for the respective agendas and rapidly replaced the rhetoric of communism with that of nationalism.¹⁰ In Kosovo, this meant an increasingly radicalising Serbian and Albanian policy and public sphere. This was worsened when in the early 1980s, the general disillusionment with the sluggish economy and widespread unemployment led to protests and street riots, prompting media elites to call for Kosovo's recognition as a republic.¹¹

As a result, both the Albanian and the Serbian media became the political elites' partner in the discursive construction of the enemy, and the Kosovo media came to resemble the long list of regional media outlets which, during the 1990s, contributed to inciting ethnic hatred and aggression between the peoples of former Yugoslavia.¹² As a result of the media's irresponsible accommodation of dehumanising racial slurs (e.g. Serbian "terrorists" and Albanian "rapists" and "baby factories"), the media's distorting effects significantly increased. On both sides, the masses were led to hysteria and unforgiving antagonism by stories which were later proved false. While both ethnic media tried to demonise the other community, from an analysis provided by Mertus (1999), it seems that it was particularly the Serb media which based stories on misunderstandings or calculated misinterpretations, with the sole purpose of worsening

⁸ Data from OSCE Media Department "Media database" 2001

⁹ Despite widespread perception that Kosovo's ethnic groups had been divided along religious lines, religion in Kosovo was never a determining factor, neither in everyday life nor in generating conflict. Instead, the conflict between the two communities has been rooted in their opposing view on which community has a historic right to occupy the province of Kosovo. For a detailed discussion on religion, see the International Crisis Group report entitled "Religion in Kosovo", January 31, 2001

¹⁰ "Independent media in former Yugoslavia and the role of international donors" Report by www.pressnow.org, 1999

¹¹ Moore, P.: The "Albanian question" in the former Yugoslavia, RFE/RL Research Report, April 3, 1992

¹² For an analysis on other counties, see Buric, Ahmed: The media war and peace in Bosnia, Institute of War and Peace Reporting, Analytical report, July 1, 2001. IWPR (2001) and Price & Thompson (2002) also deal with these issues in detail. Meanwhile, the international dimension of the Kosovo conflict-related propaganda war has been analysed among others by Popovic, Radmila (2001), and in Goff, Peter (ed.): The Kosovo News and Propaganda War, International Press Institute, 1999

the relations between the two communities, and sometimes providing an outright *casus belli*.¹³ (The evidence in this analysis, however, is not conclusive.)

1.1. CRACKDOWN ON THE ALBANIAN-LANGUAGE MEDIA

In the late 1980s, upon consolidating his power, the Serbian president Slobodan Milosevic began to carve away the Kosovar autonomy by subjugating Kosovo to Serbian authority.¹⁴ Supported by the Serbian legislature, the series of moves ranged from the abolishment in 1990 of the provincial government, legislature, and local judiciary, through to the annihilation of the Kosovar education and media systems. At the same time, Belgrade fired all Albanian police officers, increased the number of the Serbian police force to 60,000 (which is six times the standard in Western democracies) and equipped Kosovar Serbs with guns. They also dismissed Albanian public sector workers, tore down Albanian monuments, removed Albanian streetsigns, and abolished the Albanian curriculum in schools, including at Prishtina University.

Simultaneously, the authorities made efforts to silence the Albanian-language media. In July 1990, the Albanian employees of Radio Television Prishtina (RTP) were dismissed, and the independent Albanian-language broadcasts were replaced with Serbian broadcasts edited from Belgrade. However, the Albanian community did not perceive the Albanian-language news (only 45 minutes per day) credible or informative.¹⁵ The Serbian authorities took over the building that housed the state-owned Rilindija publishing company, which printed and distributed the Albanian-language press. Even though Milosevic initially did not see the need to entirely ban the print media – and the newspaper *Rilindja* was allowed to continue publishing at a lower circulation rate (8,000) – journalists worked under a constant threat of prosecution, often risking arbitrary imprisonment, beatings and even murder.¹⁶

The closure of media outlets was a clear indication of a Balkan-style apartheid system in the making, generating a feeling of radical exclusion among the Albanians. The Albanian leaders denied the legality of the Serb moves, and their democratically

¹³ One of the well known stories is that in 1987, Serbian newspapers published a photograph taken by a Belgrade reporter in Prekale, Kosovo, showing a Serbian woman working in the field, surrounded by her children and with a hunting gun resting on her shoulder. The implication was that "The Mother from Prekale," as the caption read, needed the gun to protect herself and her children from ethnic Albanian "terrorists", who were supposedly torturing and killing Serbs and raping their wives, mothers, daughters, and sisters. At the time, as Slobodan Milosevic started to rally people behind the notion of a Greater Serbia, this photo served as an initial capsule to incite nationwide terror and hatred of all Albanians. A few years later, however, the shot was revealed to be a fake. Source: Babic, Dusan: "Combating vigilante journalism", Transitions Online, August 1, 2000. See also the "Martinovic case" of 1985, the "Paracin massacre" of 1987, or the "mass poisoning of Albanian children" in 1990 in Mertus (1999)

¹⁴ For a detailed legal analysis, see Stavileci, E.: Constitutional changes and the abolition of the autonomy, in *The Kosova issue – A historic and current problem*. (Papers from the symposium, Tirana, April, 1993) Tirana, 1996

¹⁵ Sullivan, Stacy (2000: 2): Kosovo, in Price E., Monroe (ed.): *Restructuring the media in post-conflict societies: Four perspectives. The experience if intergovernmental and non-governmental organisations*, A Background Paper for the UNESCO World Press Day Conference in Geneva, May 2000

¹⁶ Human Rights Watch (1998): *Report on humanitarian law violations in Kosovo, 1998*, and Thompson, Mark (2000): *Slovenia, Croatia, Bosnia and Herzegovina, Macedonia (FYROM) and Kosovo* International Assistance to Media, A report for the OSCE High Representative for the Media. 2000, pp. 61

elected political bodies went underground. Similarly to the other breakaway Yugoslav nations, they began working on achieving independence for Kosovo. In September 1990, the Kosovar legislators approved a constitution which gave Kosovo a republican status within the Yugoslav federation.¹⁷ In a 1991 referendum, 98% of Kosovo Albanians turned out to endorse the constitution (with a result of 99,7% in favour), and on October 19, 1991, the legislature declared Kosovo a "sovereign and independent state".¹⁸

While the independence efforts of Slovenia, Croatia, Bosnia and Herzegovina and Macedonia were endorsed internationally, the Kosovo cause was not supported by the International Community. This position was based on the argument that Kosovo's constitutional status in Yugoslavia was different from the above mentioned republics, and thus its claim to independence had no clear legal basis. While Serbia, Montenegro, Bosnia and Herzegovina, Macedonia, Slovenia and Croatia were constituting republics of Yugoslavia, Kosovo was never a republic, and Kosovo Albanians were never considered a "nation" under Tito's rule.¹⁹ Along with the Hungarians of Vojvodina, they were defined as a "nationality" i.e. belonging to a "nation whose native countries border on Yugoslavia". The European Community's recognition policy²⁰ was developed in reaction to the secession of the republics, and due to the intensifying political tensions, there was a need for a consistent practice.²¹

The Kosovar cause, however, was encouraged by the developments in Albania where multi-party elections in 1992 and 1996 resulted in Sali Berisha's Democratic Party winning overwhelming victories. As early as 1990, this party had re-introduced the idea of a "Greater Albania", and in particular that of a union with Kosovo, into the emerging democratic political process in Albania. Among the first practical steps in this respect, Berisha's government, in 1992, confirmed a 1991 decision of the Albanian parliament to recognise Kosovo's independence, and remodelled the concept of Albanian citizenship along *jus sanguinis* lines to include all ethnic Albanians regardless of their country of residence.²² Official support for Kosovo's independence from the Albanian government, however, did not extend far beyond domestic declarations, and even these stopped after the government recognized the existing Yugoslav borders in the wake of the escalating war in 1994.

Despite that, the K-Albanian underground government continued to argue that Kosovo should be accorded the right to self-determination. In May 1992, the Albanians

¹⁷ For a detailed analysis, see Omari, L.: The proclamation of the Republic of Kosova and its constitution, in The Kosova issue – A historic and current problem (Papers from the symposium, Tirana, April, 1993) Tirana, 1996

¹⁸ Moore, P.: The "Albanian question" in the former Yugoslavia, RFE/RL Research Report, April 3, 1992

¹⁹ The constitution made a distinction between the 'nations' of Yugoslavia and the 'republics' of Yugoslavia. The Croats, Macedonians, Serbs and Slovenes qualified as nations (Muslims were added later), while the republics were six geographically separate units without any consistent ethnic connection.

²⁰ See "Declaration on the Guidelines on the Recognition of the New States in Eastern Europe and in the Soviet Union", and the accompanying "Declaration on Yugoslavia," December 16, 1991

²¹ In theory, the "nations" of Yugoslavia would have had a stronger position to get recognition, as they were empowered by the 1974 constitution of "the right to self-determination, including the right of secession".

²² International Crisis Group report entitled: The View from Tirana: The Albanian Dimension of the Kosovo Crisis, 1998

organized their own parliamentary elections and elected Ibrahim Rugova as their president. As opposed to a Western-style political party, Rugova's Democratic League of Kosovo (LDK) was then essentially an intellectual movement of national unity and political coordination, which campaigned for peaceful dialogue. Led exclusively by intellectuals, the LDK claimed to have 900,000 members,²³ which equals the entire adult population.

The parties which ran in the 1992 elections had an unwritten rule among themselves, according to which national solidarity is more important than building a functioning modern democracy,²⁴ a principle which most intellectuals and leading journalists stayed true to during the first five years of the democratisation process. Albanian unity was overwhelming: in 1993, not a single Albanian student signed up for the 18,000 places that the Serbian authorities had reserved for them for the academic year. Instead, students attended the underground, Albanian university, which had arranged for classes to be taught by over a thousand volunteer professors, in private homes across Kosovo.²⁵ As the employment, civil rights and security environment gradually worsened in the province, hundreds of thousands of Albanians headed to the West to find work and re-channel funds for Kosovo's growing, Albanian-run parallel education and health sector.

In 1993, the Serbian government further cracked down on the media. All Albanian-language political publications were banned, prompting the émigré community to begin publishing *Rilindja* and later *Bota Sot* (1995) in Switzerland.²⁶ Some of these papers were smuggled into Kosovo, and some of their content was regularly inserted into the locally published agricultural monthly *Bujku*. Gradually, all three papers became the official voice of the parallel system run by the LDK and Rugova.²⁷ However, this arrangement failed to meet information needs within Kosovo, where the mediated public sphere was dominated by the Serbian-language media, including the state television, state radio and newspapers such as the daily *Politika*, *Glas Javnosti*, *Blic*, *Danas*, *Vecerni Novosti* and the locally-produced Serb daily, *Jedinstvo*. The Serb media echoed Belgrade's uncompromising stance on Kosovo, and its anti-Albanian propaganda contributed to fostering fear and hostility in the province.²⁸ To escape the "state of emergency" language of the Serbian media, the Albanians turned to the extra-territorial, Albanian state television for information, which was broadcast on satellite for two hours daily from autumn 1993.²⁹

The mid-1990s, support from the Soros network enabled the underground publishing of two new weeklies, *Koha* and *Zeri*. These newspapers joined their Swiss counterparts in denouncing Serb repression and advocating the province's independence

²³ Schmidt, F.: Kosovo: The time bomb that has not gone off, RFE/RL Research Report, October 1, 1993

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

²⁷ These publications systematically exaggerated Rugova's international importance and the degree of support for Kosovar independence by the International Community, thereby giving false hope to Kosovars. They also exaggerated the abuses that the Serbian regime committed against the K-Albanians. (Op. cit. Sullivan, 2000:2-3)

²⁸ Annual report by the Temporary Media Commissioner, 2001

²⁹ In 1999, approximately 55% of Kosovar households had a dish, which grew to 81% by 2001. Source: Gallup survey 1999, IREX/ Index Kosova audience survey 2001

from Belgrade.³⁰ However, *Koha* and *Zeri* challenged the optimistic views presented by the “Swiss papers” regarding international support for the K-Albanian cause, and appealed to a younger, more educated and more cynical audience.³¹ By using a more objective, and more professional journalistic method to inform the public, they provided an alternative platform to discuss Kosovo’s fate. Their editors distanced themselves from Rugova and – for the first time in Kosovo’s media history – attempted to separate facts from opinion.³² In the late 1990s, *Koha* was recreated as a daily (1997) with help from IREX and the Soros network, and because of its fresh political line and professional style, its circulation swelled from 7,000 to 27,000. In 1998, the daily *Kosova Sot* appeared on the market as the second locally-produced political daily.

In the spring of 1998, frequent assaults on journalists and the arbitrary imprisonment of intellectuals indicated the escalation of the ethnic conflict and the unsustainable nature of the segregated cohabitation. During the year, Belgrade authorities denied television licences to *Radio Koha* and *Radio 21*, and closed down the first private, multi-ethnic radio station, *Radio Kontakt*, after only ten days in operation.³³ In October, Milosevic strengthened his grip on the print and the broadcast media in all territories of the Federal Republic of Yugoslavia.³⁴ The Serbian parliament passed a highly restrictive Information Law, prohibiting the redistribution of foreign news reports, and enabling the authorities to prosecute, indict, convict, fine or close down any media organization in the country if they spread “fear and defeatism or lies against the Serbian state”. In the countdown to the international intervention, the law resulted in the marginalisation or closure of all independent media outlets in Serbia, and the closure of all newspapers in Kosovo.³⁵

In October 1998, the OSCE’s Kosovo Verification Mission (KVM) was deployed in Kosovo, and as NATO prepared to intervene in the growing inter-ethnic conflict, the International Community attempted to push through a peace deal. Underscoring the politicised nature of the K-Albanian media, as well as the journalists’ prominence in Kosovar society, Veton Surroi (*Koha Ditore*) and Blerim Shala (*Zeri*), were included in the Albanian Rambouillet delegation as independent members. After the talks collapsed on the International Community’s proposal entitled “Interim Agreement for Peace and Self-Government in Kosovo”, the OSCE mission withdrew to neighbouring Macedonia, and NATO’s 78-day bombing campaign began.

During the conflict, the Kosovar media structures significantly suffered. Radio and television transmitters were destroyed, and the printing establishments of *Koha Ditore* and *Kosova Sot* were looted and demolished by Serb military forces.³⁶ Most of the existing newspapers and radio stations moved to Macedonia – *Koha Ditore* and *Kosova Sot* were occasionally published and distributed for free in the refugee camps.

³⁰ Annual report by the Temporary Media Commissioner, 2001

³¹ Op. cit. Sullivan (2000:3)

³² Annual report by the Temporary Media Commissioner, 2001

³³ Human Rights Watch, 1998, report available at <http://www.hrw.org/reports98/kosovo/Kos9810-09.htm>

³⁴ For a detailed discussion on this, see Matic, Veran: The rump Yugoslavia and the new Balkan “Black hole”, *Transition*, Media issue, October 6, 1995

³⁵ At this point, the dailies *Kosova Sot*, *Koha Ditore* and *Rilindja* were being published, as well as the biweekly *Gazeta Shiptare*. In the case of *Koha Ditore*, a 35,000 USD fine was levied for allegedly violating the Information Law by inciting ethnic hatred and intolerance. The paper was threatened with closure unless the fine was paid within 24 hours.

³⁶ Annual report by the Temporary Media Commissioner, 2001

Meanwhile the internet site of Radio 21 (the management of which later set up a commercial television channel) informed the world about development during the crisis: the website claims to have attracted 2.3 million visitors during those three months.³⁷

After the Serbian government signed the peace treaty, the UN mandate for Kosovo was established by the UN Security Council resolution 1244 in June 1999. Legally, Kosovo remained part of the Federal Republic of Yugoslavia (and later Serbia and Montenegro), and its "final status" can only be resolved through the UN. According to Resolution 1244, the UN mission holds ultimate legislative and executive authority in Kosovo; it is the effective government of the province, until it gradually transfers power to elected Kosovar institutions. Its mandate was to "organise and oversee the development of provisional institutions for democratic and autonomous self-government pending a political settlement." The mission was created to include four sectors or 'pillars', each led by a different international organisation. The United Nations itself was responsible for civil administration, UNHCR led the humanitarian assistance projects, while economic development was given to the European Union, and the OSCE was charged with institution building and democratisation. The fifth unofficial pillar was security, provided by KFOR comprising 45,000 NATO-led troops.

While in the mid-1990s, during the initial stages of their involvement in Balkan post-war reconstruction, the internationals were reluctant to reform media structures, it was soon realised that they could not achieve their primary objectives, including their so-called "exit conditions", without resolving the acute problems of the underdeveloped Balkan media.³⁸ Thus, by the time negotiations began on details of the Kosovo democratisation mission, the OSCE was committed to secure a wide-ranging media development mandate.³⁹ Neither 1244 nor the "interim agreement" provided for a clear media mandate, but there was a recognition that the creation of functional media laws, and a set of formal rules and procedures was unavoidable in a post-conflict environment. Regulation was deemed essential in order to achieve the basic democratisation benchmarks (i.e. pluralism of media outlets, supporting legal frameworks, political and financial independence, professionalism etc.), and to ensure that the new democratic media system assists the process of ethnic reconciliation.

The OSCE looked to the post-conflict experience in Bosnia and Herzegovina to determine what path the media democratisation process should take. There, the NATO peacekeeping and stabilisation force failed to secure a media mandate in the beginning, which led to the growth of hate speech broadcasts in the Muslim, Croat and Serb media – significantly undermining the peace process. This called for a correction in the media policy and the setting up of a regulatory authority which had been widely perceived by the locals as a suppression of freedom of speech rights. A strong media mandate was also important for Kosovo because of the deeper-seated ethnic intolerance which had been partly the result of a decade of conflict within the media sphere. While in Bosnia, the media engaged in hate speech mostly in the run-up to, and during the armed conflict, the "media war" in Kosovo was waged permanently for a decade before the war.

The establishment of the UN authority (United Nations Interim Administration Mission in Kosovo, hereinafter UNMIK) was slightly complicated by the governing

³⁷ Press release by www.advocacynet.org, August 28, 2000

³⁸ Op. cit. Thompson (2000: 77)

³⁹ Op. cit. Thompson (2000: 63)

crisis within Kosovo in the summer of 1999. While Rugova was considered president by many, having been elected both in 1992 and 1998, the underground parliament and parallel government had long lost the ability to perform their functions. At the same time, there was a provisional government agreed by the main Albanian partners at Rambouillet, including Rugova, and now established under the Kosovo Liberation Army (KLA) political leader Hashim Thaci with a multi-party membership, but boycotted by Rugova and his allies.⁴⁰ In this period, many broadcast outlets were established on foreign aid, and gave their support to the Thaci government. This later needed careful "undoing" by the international media regulator.

1.2. A CONCEPTUAL FRAMEWORK FOR MEDIA DEVELOPMENT

Just like in Bosnia, the starting point of the International Community's media strategy was that media outlets were partly responsible for the ethnic violence, and the long-term goal was to prevent them from generating further conflict. In theory, the mandate had two essential dimensions – the first task was to establish a strong Albanian-language media system, and the second, to create an overall media system which effectively represents all ethnic communities and interests.

To assess the quality and feasibility of the media development strategy, we first need to briefly discuss the slightly confusing general framework of democratisation, and institution building, which was based upon the core concept of "power-sharing" between ethnic groups. During the entire period under review, the official UNMIK policy was to encourage Serb returns, and to establish a multi-ethnic state. On paper, the internationals promoted a political power-sharing arrangement which sought to achieve ethnic reconciliation by creating a "grand coalition" between the ethnic communities – by giving a veto to the Serbs on issues of "vital interests" (as prescribed in Lijphart's consociational model of democracy, 1977). But at the same time, they allowed parallel structures from Serbia proper to function in the north of Kosovo, sending the message that an eventual partition of the province was possible. Under these conditions, the Serb community's willingness to participate in the power-sharing arrangement was limited during these five years.

Given these starting conditions, we have to first consider how Kosovo's consociational power-sharing arrangement can be translated into the context of media structures. According to the framework of Lijphart's model (which requires the creation of an autonomy for the minority), the new media structure would be based on two separate media systems – one for each community. It would include two public service channels (either as PSBs or commercial channels with strong public service remits) – which would adequately represent the two main ethnic groups and their interests, and make sure that the new democratic dialogue is not left up to an unregulated commercial media market. Based on a proportionately sized mono-lingual media system for each community, this dual media system would support a direct, vertical information flow between the ethnic communities and their political representatives. In the long run, this could form the basis of an integrated media system, once the two communities are ready to work together.

⁴⁰ Who is who in Kosovo, report by the International Crisis Group, August 31, 1999

This model would be in direct opposition with a more ambitious and more optimistic model, designed along the lines of Horowitz's theory of power-sharing (Horowitz 1985, Sisk 1996). Horowitz's integrative model would create a system where the ethnic groups break out of their traditional separation, and create multi-ethnic media outlets which generate an internal prowess to sustain the imposed political power-sharing system. One central multi-ethnic public service broadcaster would be the backbone of such a system, which – along with a plurality of private, multi-ethnic outlets – would essentially lead toward the gradual development of a truly integrated multi-ethnic society, where ethnicity is secondary to citizenship. The current economic conditions and the mixed demographics in Kosovo would suggest that this solution might be more cost-effective and sustainable, but the high level of ethnic intolerance has shown that this would be slightly ambitious, to say the least.

Choosing the right strategy and the right power-sharing concept for the media was therefore critical from the very beginning, particularly, because regional patterns suggested that – irrespective of the methodology – the media democratisation process would likely face serious obstacles.

1. In all war-torn parts of the Western Balkans region, the news media have been plagued by a lack of financial sustainability; a strong political pressure aiming to curb the media's information role regarding corruption, government mismanagement, and war-crimes; as well as continuing pressure to work along ethnic lines. According to an IREX survey in Bosnia, the pressures on journalists from the dominant nationalist political parties are meant to keep alive the old journalistic habit of self-censorship, in order for the political parties to strengthen their support bases.⁴¹
2. Even after years of foreign-assisted media democratisation, hardly any Bosnian print or electronic media outlet developed editorial policies that transcend ethnic boundaries, and most Bosnian media, including the PSBs, are confined to the ethnically-controlled territory from which they originate.⁴² A 2003 poll reveals that there is no shared media experience between the three ethnic communities, as they all watch different television stations and read different newspapers.⁴³
3. In Bosnia, intimidation of journalists is widespread and assault is regular.⁴⁴ However, journalists safety is not considered important, and public faith in the media's work is very low. Over 65% of Bosnia and Herzegovina citizens admit to "not fully trusting" the media.⁴⁵

⁴¹ IREX report entitled: "At risk: Political intimidation of journalists and their media in Bosnia and Herzegovina", October 29, 2000

⁴² Freedom House: Bosnia and Herzegovina, Nations in Transit, 2001

⁴³ Public opinion poll in Bosnia and Herzegovina, USAID/ Partner Marketing Consulting Agency, November 2003

⁴⁴ A 2000 survey of 50 Bosnian media outlets showed that 62% had personally experienced intimidation and interference in their work, including direct and indirect pressure applied by both political parties and elected or appointed officials. Source: US State Department: BH Country Report on Human Rights Practices, 2000

⁴⁵ Public opinion poll in Bosnia and Herzegovina, USAID/ Partner Marketing Consulting Agency, November 2003

4. Also, there had been little private investment in media organizations in Bosnia, making the media donor-dependent and vulnerable to influence and manipulation by political and business elites. International officials have argued that a considerable amount of “hidden” financing of the Bosnian media had led to the development of close links between media outlets and public officials,⁴⁶ similarly to the situation in Ukraine. The saturated, unsustainable Bosnian media landscape is also plagued by the abuse of administrative measures, such as tax controls, or the banning of access to printing.
5. Lastly, conceptual divisions between the European-dominated OSCE and the US-funded IREX, which already caused tension in the course of broadcast reforms in other parts of the Western Balkans, forewarned about the possible difficulties of media democratisation in Kosovo. The two institutions have had different methodological solutions to ensuring media freedom and pluralism – with the OSCE representing a social democratic model and IREX representing a US-style libertarian approach with as limited regulation and state-control as possible.⁴⁷

The 2001 “Constitutional framework”⁴⁸ (hereinafter “constitution”) included a wide variety of international legal references – thereby creating elaborate benchmarks, which similarly to the “best European practices” empower both the majority and minority communities. The document contained general references to a set of internationally recognised human rights and fundamental freedoms, including the rights set forth in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, as well as the European Convention on Human Rights and Fundamental Freedoms. The document also included references to the collective rights of ethnic communities. Under the heading “Rights of communities and their members”, the constitution “guarantees access to, and representation in the public broadcast media” and enlists the right of different ethnic communities to “establish and maintain their own media”.

Societal needs with regard to media pluralism, state support and general media freedom were also enshrined in the “Kosovo Standards” document,⁴⁹ naming media freedom as one of the many benchmarks that Kosovo has to meet before its “final status” can be addressed by the UN. The text lists the following basic operational benchmarks for a reformed media system:

- A range of private, independent print and broadcast media exists, providing access to information for all communities throughout Kosovo;
- There is an independent and effective media regulatory authority, aspiring to European standards, recruited without discrimination and according to merit;

⁴⁶ Freedom House: Yugoslavia, Nations in Transit, 2001

⁴⁷ For a full analysis of the media democratisation effort in Bosnia and Herzegovina, see Thompson, M. & De Luce, D.: Escalating success? The media intervention in Bosnia and Herzegovina,” in Price & Thompson (2002: 201-235)

⁴⁸ “A Constitutional Framework for Provisional Self-government in Kosovo,” UNMIK Regulation 2001/9, May 15, 2001

⁴⁹ UNMIK Standards for Kosovo, December 10, 2003

- Hate speech or any form of incitement, is condemned by political leaders, the media regulatory authority and media commentators;
- Publicly-funded media devotes a full and proportionate share of its resources and output to all ethnic communities;
- Non-governmental organizations, in particular those representing minorities, are able to operate freely within the law and individuals are free to join them without discrimination.

In 2000, a public service broadcaster (RTK) was set up as the central instrument of the new media system, which signalled a clear preference for following the ideas prescribed in Horowitz's model. RTK was mandated to provide programming for all of Kosovo's ethnic groups, but in reality this decision led to a situation where the development and professionalisation of the Albanian-language media was given priority, and Serbian public communication needs were mainly addressed through the permission of the operation of parallel media structures from Serbia proper. In other words, while the Serb community was legally empowered to have its own share of the new media system, the development of the Serbian-language media was subsequently given less attention. All in all, the ambitious legal framework failed to put in place adequate control mechanisms to ensure that the media democratisation process is in line with the declared aims of the political process.

2. THE EXTERNAL DIMENSION OF MEDIA REFORM

2.1. CHALLENGES FACING THE K-ALBANIAN PRINT SECTOR

Given that Albanians hardly turned to Serbian television or newspapers after 1974, the main problem plaguing the K-Albanian media reform process in the late 1990s was not the cultural impact of an oppressive communist regime but rather the underdeveloped nature of the landscape and the long-standing ethnic tension.

During the 1980s and 1990s, most newspapers served as an integral part of the embryonic political institutional mechanism, and were subordinated to the "national cause" which was built up against the backdrop of the traumas of the ethnic cleansing and the refugee crisis. Journalists interpreted their "fourth estate" mandate in a politicised manner, and directly supported political causes. Meanwhile, as regards the Serbian print media in Kosovo, the main challenge was the lack of local outlets, and the uncertainties regarding Kosovo's "final status", which significantly weakened the willingness of the Serbs to participate in the print media reform.

Initially, the biggest technical hurdle of media development was coordinating support from both international governmental donors and international NGOs.⁵⁰ In the first two years, there was a critical lack of coordination, resulting in the general feeling

⁵⁰ Until 2001, the largest one-time media donor was the Japanese government, with a USD 15.2 million contribution for the reconstruction of the terrestrial broadcast network, and for the starting up of public service broadcasting. Other major funders included the US government (through IREX), the OSCE, as well as the European Agency for Reconstruction, and national governments of the UK, Switzerland, Sweden, Holland, Germany, France, Norway, Denmark. NGOs such as the Open Society Institute of the Soros network were also deeply involved. Sources: OSCE internal documents and UNDP report on the "Kosovo Independent Media Project".

that donors were ill-informed about the societal impact and context of their donations. For instance, during the initial chaotic period, much of the donated equipment and funds ended up with media outlets which pursued dubious agendas. The lack of coordination also led to both an over-investment in some media outlets (e.g. *Koha Ditore*⁵¹) and to the mushrooming of small, isolated and unsustainable outlets. Thousands of young journalists were hired by a new media elite which attached more importance to short-term personal gains than issues of long-term sustainability.

One of the first moves of the International Community was to suspend Milosevic's Information Law within Kosovo. Following the lessons learnt from the international-assisted media reform in Bosnia and Herzegovina and Croatia, UNMIK decided to set up a media affairs department within the OSCE pillar, with clear authority to oversee regulatory work, media development and media monitoring.⁵² UNMIK's aim was to develop the local media so that they "contribute to the creation of conditions that support freedom of the press and freedom of information in Kosovo."⁵³ In addition, the leader of the UN mission – the so called Special Representative of the UN Secretary General (or SRSG) – was to appoint a media regulatory commission to issue licences and manage the frequency spectrum, and to establish and monitor compliance with broadcast and press codes of conduct.

However, the OSCE's plans for the creation of a normative base for regulatory work were soon attacked by proponents of the libertarian media theory. The *New York Times*⁵⁴ called the planned authority an "incipient media ministry" while the World Press Freedom Committee (WPFC) complained to the UN Secretary-General Kofi Annan of the "plans for a media control system in Kosovo" which was "in conflict with the principles of democracy and freedom that the United Nations is pledged to uphold".⁵⁵ The debate in the international press prompted the UN pillar to reconsider its position, and to try to curb the OSCE's role over media regulation. In August 1999, the UN created a parallel media department and insisted that the UN take over the management of the frequency spectrum.⁵⁶ The disagreement over this plan, as well as the use of the contentious term "regulator" blocked the establishment of the media body, leading to a regulatory vacuum.

In September 1999, the two offices arrived at a consensus solution regarding the institution for regulation – they abandoned the term "regulator", and agreed to set up the Temporary Media Commissioner (TMC). The debate, however, was only just beginning regarding the substance of future regulations, and more specifically on a need for a code of conduct for the press. Following an outcry from advocacy groups "Article 19" and the International Federation of Journalists, the OSCE's confidence shook as to the contents and feasibility of its ambitious media mandate. At this point, it was considered

⁵¹ At the first donor conference, it emerged that *Koha Ditore* was receiving funds from six separate international sources, none of which knew of the others' activity. Source: Op. cit. Thompson (2000: 72)

⁵² This decision was made on the basis of a report commissioned from officials with prior media democratisation experience in the Balkans. The report said that International Community experience in Bosnia and Croatia confirms that "democratic media cannot be established on the basis of incomplete or weakly asserted authority to regulate, monitor and reform existing media." Source: Op. cit. Thompson (2000: 63)

⁵³ UNMIK internal document quoted by Op. cit. Thompson (2000: 63)

⁵⁴ *The New York Times*, August 30, 1999

⁵⁵ Quoted in Op. cit. Thompson (2000: 64)

⁵⁶ Ibid. Thompson (2000: 64)

that the OSCE's print media mandate would be restricted to encouraging the self-regulation of the press (such as voluntary codes of conducts and implementation bodies i.e. press councils)⁵⁷, and assisting in setting up a journalists' association.

As the debate continued in the tense political atmosphere of the winter, several vigilante Albanian print and broadcast outlets issued threats of violence against groups and individuals (e.g. by naming and shaming possible war criminals) – seeking to incite unrest and inter-ethnic hatred.⁵⁸ There was no hate speech or defamation legislation in place (only the criminal law of the Socialist Autonomous Province of Kosovo of Yugoslavia was “in effect”), and there was a tangible increase in the number of inflammatory articles against the Serb community, against the moderate factions of the Albanian community,⁵⁹ as well as against the UNMIK authority. The already precarious security situation – in which revenge on returning Serbs and Roma families was a daily event through public beatings, arson, and killings, and where Serbian speaking internationals were assaulted, and in one case killed,⁶⁰ – seemed to be dramatically worsened by the media.

Realising that this will complicate the overall democratisation effort, and in the absence of other instruments to address this deteriorating situation, the SRSG promulgated on February 1, 2000 a draconian legislation punishing hate speech with a maximum penalty of 10 years of imprisonment.⁶¹ This legislation was the first element of a normative base for media regulation which was planned for a temporary (although indefinite) period, until a formal systems of laws would be in place and become operational. The local media had a mixed reaction. *Koha Ditore* and *Zeri* came out in favour of this legislation,⁶² supporting the argument that the authority has the right to discipline irresponsible media outlets in a lawless society where violence is widespread and societal tension is high. However, the rest of the local journalistic community was angered by it, and – in return – unleashed a campaign against UNMIK and KFOR, accusing the internationals of being “in league with the Serbs” against the Albanians.

Most media outlets continued with what they considered their genuine post-conflict mandate – i.e. to address the perceived injustices of the past. The media's disrespect for UNMIK's “crusade” to curtail their newly found freedom was indicated by their coverage of the first major clash between the two ethnic groups since the war. In February 2000, a bus explosion killed nine Albanians and caused widespread hysteria among the K-Albanian community. Articles published in *Bota Sot* and *Rilindja*, as well as those by *Radio Rilindja* put the blame on Serbs even before an investigation could

⁵⁷ For a detailed discussion on self-regulatory mechanisms, see for instance the “Proceedings of the information seminar on self-regulation by the media”, Conference held by the Council of Europe, Directorate of Human Rights, October, 1998

⁵⁸ Annual report by the Temporary Media Commissioner, 2001

⁵⁹ For example, the moderate Kosovar opinion-leaders, Veton Surroi and Baton Haxhiu (the publisher and editor-in chief of *Koha Ditore*, respectively) were personally attacked through vitriolic articles by the Switzerland-based news agency Kosova Press. On October 2, 2000 the agency called for Surroi's assassination after he criticised and dubbed “fascist” the systematic, Serb intimidation policy of the interim government and the KLA. Source: Borden (1999)

⁶⁰ An American/Bulgarian UNMIK employee was killed on the street in the first month of his deployment for telling the time in Serbian.

⁶¹ The UNMIK Regulation no. 2000/4 forbids any public incitement or spreading of hatred, discord or intolerance between national, racial, religious, ethnic or other such groups in Kosovo.

⁶² Op. cit. Sullivan (2000:8)

had been launched into the incident, while the emotionally charged reports about the subsequent fighting in the divided city of Mitrovica further incited hatred against all Serbs.⁶³

The media also heightened the post-conflict internal security difficulties by giving excessive coverage to allegedly armed groups such as the Serbian State Security Service (DB) which were believed to be operating routinely in north Kosovo, as well as the so-called "bridge watchers" who guard the Serb side of the line in Mitrovica (allegedly by orders from the Belgrade police).

The internationals were doubtful as to whether further print regulation would be effective. Several arguments surfaced in support of limiting the mandate to designing the basic legal framework (i.e. laws on hate speech, access to public documents and defamation) and encouraging the privately-owned print media to adopt a self-regulatory mechanism. (Similarly to Western European print regulation.) Meanwhile, another counter-argument was that direct print regulation was not used in Bosnia either. There, the regulation establishing the Independent Media Commission (1998) gave a license to the regulatory authority to curb the negative effect of hate speech, but the IMC never used its power to sanction the print media. Instead it encouraged the swift adoption by the local journalistic community of a voluntary, self-regulatory code of conduct.⁶⁴ In addition, the OSCE Head of Mission confirmed that they are "determined not to have [a press] law, given that it "smacks of censorship."⁶⁵

Another factor holding back the process was the international criticism of the hate speech regulation. The NGO "Article 19" argued that the regulation is broad and unclear (especially regarding the definition of what classifies as public incitement and spreading of hatred, and what goes as intolerant behaviour), and the judicial system was inadequately developed to apply such a sensitive legislation.⁶⁶ The advocacy group also expressed concern about the fact that the regulation goes beyond the scope of restrictions on the freedom of expression right permitted under international law.

In the end, it was a single vigilante article which prompted UNMIK to perform a 180 degree turn and go ahead with press regulation. On April 27, 2000, the newspaper *Dita* published a story, along with a photograph and a home address, of a Serb UNMIK employee, accusing him of killing Albanians during the NATO intervention. A few weeks later, the man was found dead. While no connection could be proved regarding the story and his death, the SRSG shut down the paper for eight days.⁶⁷ The tough decision generated solidarity for *Dita* amongst the other papers – *Koha Ditore* for instance offered its printing service.⁶⁸

The case also turned out to be a defining moment for the emerging institution of the TMC.⁶⁹ In June 2000, the SRSG promulgated two regulations – on the licensing and

⁶³ The local coverage can be looked up on the UN's media monitoring site, <http://www.unmikonline.org/press/lmm00.htm>

⁶⁴ The press code of conduct was endorsed by six journalist associations in 1999, and is available from the website of the Office of the High Representative in Bosnia – www.ohr.int

⁶⁵ Speech by OSCE Head of Mission, Daan Everts, February, 2000

⁶⁶ Statement on UNMIK Regulation no. 2000/4. Article 19 press release, February 2000, Downloaded from www.article19.org

⁶⁷ Executive order by SRSG Bernard Kouchner, June 3, 2000

⁶⁸ Press release by www.advocacynet.org, August 28, 2000

⁶⁹ Annual report by the Temporary Media Commissioner, 2001

regulation of the broadcast media, and on the conduct of the press.⁷⁰ The legislations officially established the office of the TMC, and gave it the authority – pending the establishment of a permanent Independent Media Commission – to control the broadcast media through licensing, and to impose sanctions on both broadcast and print media – such as requiring to run a correction or apology, issuing a warning, issuing a fine between 1,000-100,000 DM, the suspension of broadcast licenses, the seizure of equipment, or the closing down of operations. Fines were seen as an important mechanism to introduce some form of law-enforcement into the media sector given that there were no judges to try potential defamation cases or other violations. The laws also created an appeals mechanism.⁷¹

The two legislations also allowed the TMC to issue the so-called “Temporary Codes of Conduct”. These codes – separate for the two types of media – formalised the fundamental rights of Kosovar journalists, and referred explicitly to the Universal Declaration of Human Rights (Article 19, freedom of opinion and expression, and Article 29, exercise of rights is subject to the limitations of law needed to secure recognition and respect for the rights of others). The codes make reference to the European Convention on Human Rights, including Article 2 (right to life to be protected by law), Article 5 (right to liberty and security of the person), Article 6 (those accused of a crime are innocent until proven guilty), and Article 10 (right to freedom of expression, subject to restrictions of law necessary in the interests of society).

But most importantly, the codes listed in detail the obligations and responsibilities of media outlets – providing direction regarding the democratic role of journalists, and outlining the borders of responsible journalism. Media outlets were prohibited to publish or broadcast material that invades privacy, encourages crime, and denigrates an ethnic or religious group. In order to fill in for the non-existent defamation law, the codes barred media outlets from attributing criminal responsibility to anyone, prior to them being found guilty by a lawful tribunal, or to run material known to be deceptive. The outlets were also required to distinguish between comment, conjecture and fact, to print or publish a correction with equal prominence, to provide a *right to reply* and to keep archives of their work. While the print media was not required to be impartial, the broadcast media – similarly to the European practice – was hereby obligated to ensure “fairness and impartiality in all reporting,” and prohibited from “promoting the interests of one political party, or one political point of view”.

However, the codes of conduct were perceived as another draconian attempt, similar to the Milosevic era, to control Kosovo’s newly found press freedom. Domestically, the regulations were widely considered to bring about renewed censorship of the media. The move was loudly protested by most leading Kosovar journalists, including the BBC’s local correspondent (Muharrem Nitaj) as well as *Bota Sot* and *Koha Ditore* editors. Much of the confusion was rooted in the fact that the codes of conduct reflected the persistent tension that is inherent worldwide between free expression guarantees and the need to protect the individual’s right to physical security.

⁷⁰ UNMIK regulations 2000/36 and 2000/37.

⁷¹ Article 19 was critical of these regulations as well, pointing out that “it sets a dangerous precedent, and is a gift to any government seeking for examples to use when reining in the media.” They also claimed that the Appeals Board is not sufficiently independent (as it is gathered by the OSCE/ TMC) and thus there would be no true independent check and balance on the TMC’s work. Source: Article 19 press release, June 30, 2000, Downloaded from www.article19.org

They also highlighted the contradiction between individual freedom of speech rights and the perceived collective interests of society.

To the surprise of the internationals, *Dita* decided to ignore the regulations, and continued to publish inflammatory articles. It first ran a story naming an alleged Serbian war criminal, and providing his address. A few days later, the paper ran photos of several other accused Serbs. In view of that, in the same month that the print code of conduct was released (June 2000), the TMC required the paper to print a reply by the first offended Serb. Given that the paper failed to publish a reply, the TMC levied a 20,000 DM fine on the editors. When the fine was not paid, the TMC closed down the publication. The tough approach angered local journalists and editors, who saw *Dita*'s "exclusive story" as a reflection of the K-Albanians' anger and disillusionment with the fact that war criminals still live amongst them.⁷²

The chairman of an embryonic journalist association (Haqif Mulliqi) said that the regulations represent a "political act" intended to control free speech, discipline the Kosovar media, and that they would generate an unwanted self-censorship among journalists.⁷³ He also urged journalists not to recognize UNMIK's regulations but instead sign up for his association's Code of Ethics. This text opposes hate speech but supports all methods of investigative reporting, including the controversial routine of attributing direct criminal responsibility to Serb individuals.⁷⁴ He argued that – in the absence of an operational judiciary and police – it was justified for the media to perform some of these institutions' functions. However, few journalists endorsed this proposal, as a result of which the idea never became representative of the local media community.

The *Dita* case was a dramatic beginning of the TMC's operation, and it seriously damaged the relations between the OSCE and the local media community.⁷⁵ This occurred at a time of a general upsurge in media criticism regarding UNMIK's activities, and an obvious growth of critical articles regarding the internationals' achievements,⁷⁶ including their incapacity to arrest war criminals and failure to repair the Kosovar electricity network. There were also a growing number of unwarranted, direct personal attacks on UNMIK officials, including accusations of corruption.⁷⁷

2.2. THE K-ALBANIAN NEWSPAPER LANDSCAPE

By 2000, the Albanian-language print media landscape was overcrowded. Following *Rilindja*, *Bota Sot*, *Koha Ditore*, and *Kosova Sot*, three more dailies started up in the year 1999 – *Zeri*, *Epoka e Re*, and *Dita*, later followed by even more dailies

⁷² Haqif Mulliqi, head of the Kosovar Journalists Association, interviewed by www.advocacynet.org, August 2000

⁷³ Interview in *Kosova Sot*, translated by UNMIK Local Media Monitoring Report, June 25, 2000

⁷⁴ Haqif Mulliqi, head of the Kosovar Journalists Association, interviewed by www.advocacynet.org, August, 2000

⁷⁵ Because of the growing tension, careful attention was paid to the due-process in this case. The Media Appeals Board – made up of two international media experts as well as a local – reassured the TMC that its actions complied with the European Convention on Human Rights, and thereby confirmed the TMC in its first ruling. Source: Annual report by the Temporary Media Commissioner, 2001

⁷⁶ Various OSCE Media Monitoring reports

⁷⁷ Interview with György Kakuk, UN spokesperson, North Kosovo, April 2004

and monthlies. There was also an independent news agency, KosovoLive.⁷⁸ Initially, the print media was practically the only source of information⁷⁹ as the infrastructure of Radio Television Prishtina had been destroyed, and the UN information television station only broadcasted a few hours a day due to the regular power cuts. According to the first comprehensive audience survey results (2001), 29% of K-Albanians (over 12) read newspapers, while the figure was 41% for the K-Serb community.⁸⁰ By 2003, the relative importance of the print press diminished, and circulation figures dropped to 4% of the total population,⁸¹ but the newspaper landscape remained diverse.

In 2004, there were six K-Albanian dailies – ranging from a highly professional and balanced *Koha Ditore* to the two party mouthpieces – *Bota Sot* (supporting the most popular party, the Democratic League of Kosovo, LDK) and *Epoka e Re* (supporting the second biggest party, the Democratic Party of Kosovo, PDK). While the balanced papers strove to constantly improve their reporting, the language of party papers became increasingly aggressive as political competition intensified. The estimated total circulation of dailies is between 20,000 to 25,000, suggesting that newspaper penetration per 1000 person is around 14. (In Hungary, this figure was 174, while in Ukraine 162.) The following table lists some fundamental statistics regarding the main daily newspapers.

	Editorial profile	Circulation figures (2004)*
<i>Koha Ditore</i> (Daily Times)	Independent	10,000
<i>Zeri</i> (Voice)	Independent	8,000
<i>Bota Sot</i> (World Today)	LDK-leaning	5,500
<i>Epoka e Re</i> (New Epoch)	PDK-leaning	Less than 1,000
<i>Kosova Sot</i> (Kosovo Today)	Independent	Less than 1,000
<i>Rilindja</i> (Renaissance) (ceased publishing in 02/2002)	Independent	Not available

* Source: Kosovo Media Assessment (2004) by USAID/ ARD Inc. (Note in addition that *Koha Ditore* and *Bota Sot* also sell a considerable number of copies abroad.)

⁷⁸ Sponsored by IREX, this successful venture received more than 2 million hits on its website during November 2001. Many local media outlets take stories straight from KosovoLive, reprinting and rebroadcasting them verbatim. USAID continues to provide in-house training and technical assistance to KosovoLive and is helping them make the transition from a free service to a paid one. Source: USAID Annual Report 2002

⁷⁹ This is confirmed by a poll conducted among 1,000 ethnic Albanians by the Sofia-based Balkan British Social Surveys (BBSS) and Gallup International in October, 1999, which concluded that newspapers were the preferred choice.

⁸⁰ Source: IREX/ Index Kosova audience survey, 2001. Although it has to be noted that while it is not specified in the survey, these figures likely refer to all kinds of print media, including entertainment and theme papers.

⁸¹ Index Kosova, December 2003 Media Survey, available from www.indexkosova.com

The post-conflict period also witnessed the launch of some entirely new political dailies, such as *24 Ore* (which supported the third biggest political party, the Alliance for the Future of Kosovo (AAK) between May 2002 and January 2003), the political daily entitled *Pavaresia* (set up in March 2004 to support the small Albanian Christian Democratic Party of Kosovo, PSHDK) as well as the British *Sun*-like tabloid *Lajm* (owned by a Swiss Albanian businessman, started in September 2004). While *24 Ore* and *Pavaresia* were similarly politicised and radical in their language as *Bota Sot*, *Lajm* focused on entertainment, crime and scandal as opposed to political party activities. The independent papers not only provided more thought-provoking opinion pieces and generally more reliable and in-depth reporting, but offered some coverage about issues effecting the Serbian minority. Meanwhile, the politicised and low-quality newspapers remained ethnically-biased and negative toward the Serbs.

Every newspaper had a serious impact on public debates, as their key articles were translated and distributed to both the local international community and to foreign government officials, researchers and academics. Irrespective of their local popularity, all these newspapers therefore carried the potential to shape policy developments and to influence the political agenda. During the period under review, an increasing number of active politicians became associated with various newspapers, either through ownership or other types of affiliation. After its owner and editor Veton Surroi ran for political office in the 2004 general elections, *Koha Ditore* found itself in close association with the opposition party ORA, while *Lajm* and *Bota Sot* are owned by businessman Bexhet Pacolli, who – among others – uses the papers to settle scores between organised criminal groups. (Given that many of Kosovo's local leaders are thought to have links to organised crime, this strategy has worked "successfully" in the past for Pacolli, who is himself believed to be embedded in Russian organised crime.)

Throughout the post-conflict period, the highest number of complaints addressed to the TMC's office fell into the category of "vigilante journalism". An analysis of the complaints received between 2000 and 2003 shows that complaints were initiated against every newspaper, except *Kosova Sot*. All politically-affiliated papers were subsequently found to be in violation of the print code of conduct, most frequently for their unrelenting war crimes accusation against individuals. For example, the newspaper *24 Ore* ran a series of articles in the summer of 2002, attacking a former KLA leader Tahir Zemaj, who was known to be a close ally of Rugova. The paper accused Zemaj of dozens of murders against Albanians through his activities as an active member of the Serbian paramilitary group "Death Arrow".⁸² A few months later the man was assassinated along with two other family members. In the wake of threats against the paper, *24 Ore* ceased publication in January 2003 to escape the TMC's sanctions.

This type of vigilante conduct – characteristic of all radical newspapers – sought to ease deep-rooted tensions between the various power groups which grew out of the KLA movement (PDK and AAK), and those groups which have followed Rugova throughout. The papers considered it a primary goal to discredit various individuals and in some cases, to annihilate select leadership figures. Overall, the politically-affiliated dailies remained oblivious to their obligation to respect the privacy and safety of citizens, and seemed impatient to wait for the emergence of a professional court system to try crimes and investigate these allegations. Between 2000 and 2003, the PDK-

⁸² OSCE Media Monitoring reports, June, July 2002

affiliated *Epoka e Re* was fined to 5,000 DM once (2000), while the LDK-supporting *Bota Sot* was fined seven times to a total of 75,000 euro for such vigilante actions.

Given that there is no civil law on defamation, and self-regulation of the press does not exist, the TMC considered the temporary codes of conduct “more valid than ever”⁸³ even three years after their promulgation as extraordinary and temporary measures. While the TMC’s sanctions ultimately strove to protect the principles of rule of law and human rights, the decisions implied that neither the radical language in these papers nor political affiliation *per se* are considered acceptable norms for an emerging democracy. The radical newspapers thus felt threatened in their existence and could not count on any donor funding.

It was thus not surprising when it emerged that the sanctioned newspapers refused to pay the fines. On this occasion, instead of swiftly closing down the papers, the TMC termed the newspapers’ behaviour a “blatant defiance of the rule of law”⁸⁴ and turned to UNMIK for assistance in enforcement. However, to further complicate things, the TMC was told that the sanctions cannot be enforced in the absence of a relevant legislation.⁸⁵ These debates seriously damaged the credibility of the TMC and the legal system as a whole, while complicating the TMC’s work. It took over a year for the TMC to secure the participation of district courts in the enforcement,⁸⁶ and, in the end, reached an out-of-court settlement with the papers. Given that the TMC was a temporary office with only limited resources,⁸⁷ it was increasingly unable to carry out its regulatory work to the highest standards.

Throughout this period, the rivalry of political platforms also extended to a competition for distribution facilities⁸⁸ and most importantly – for donor funds. From the outset, donors preferred newspapers which upheld the standards of independent, moderate-toned journalism. (*Koha Ditore*, *Zeri*) After a peak in 2002, the donor funds gradually shrank, and these two papers marginalized all other papers on the local advertising market. Meanwhile, political party accounts remained non-transparent and it has been suspected that *Bota Sot* and *Epoka e Re* are financing operations from political party coffers. In terms of self-sustainability and future prospects, only *Bota Sot* and *Koha Ditore*, the two largest publications with Europe-wide distribution networks, were considered to have a long-term potential.⁸⁹ Overall, the trends have been leading toward a gradual consolidation of the market, which will most likely see the bankruptcy of some of the smaller titles.

⁸³ Annual report by the Temporary Media Commissioner, 2002

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ UNMIK Administrative directive 2003/8 on the Enforcement of TMC sanctions and fines was signed by the SRSG on April 8, 2003. The TMC was thereby allowed to file an application to enforce outstanding fines with a District Court, which could then take the money from the media outlet’s bank account, or seize its assets.

⁸⁷ The TMC, for instance, had to rely on the OSCE’s Media Monitoring department to check for violations of the Codes of Conduct.

⁸⁸ Initially, newspaper distribution was complicated by the continuing monopoly of *Rilindja* kiosks in Kosovo, which – following the conflict and the diversification of newspaper editorial lines – often declined to sell LDK-critical publications such as *Koha Ditore*, and particularly *Epoka e Re*. There was also a lack of funds and operators – up until 2000, only *Koha*, *Zeri* and *Kosova Sot* had distribution facilities, the other four papers had to rely on those. Data from OSCE Media Department “Media database” 2001

⁸⁹ Media Sustainability Index, IREX, 2001

In addition to the above, the development of the print media sector was also complicated by the general perception that journalists were unsafe. Only one Albanian journalist was killed for her work in post-conflict Kosovo,⁹⁰ but a murder attempt on the Serbian editor of Radio Kontakt, and the death of *Bota Sot* journalist Bekim Kastrati in a drive-by shooting during the 2001 elections⁹¹ placed added pressure upon journalists. As indicated by a 2001 survey by the OSCE, 78% Kosovar journalists are unable to undertake investigative projects without fear of threat or reprisal, and almost as many think that the general climate for investigative journalism is unsafe. (Details of this survey can be found in the Internal aspects section.)

Overall, the international administration's logic was to discourage and minimise the interaction between emerging political elites and the media, and prevent the media system in general from developing any kind of political parallelism. While the local political and media elites intended to build relations in the style of the development assistance model, this was clearly opposed by the electoral laws. During every electoral campaign which preceded the municipal and general elections (held a total of four times between 2000 and 2004), all political K-Albanian media outlets (such as political dailies, and both regional and nationwide television and radio channels airing political programming) were obliged to provide "fair and equitable" coverage to all political entities which run for office.⁹² The outlets were not required to provide "equal" coverage, but the regulations tried to limit favouritism to a single political party or entity, or more directly – to constrain the party propaganda pushed by the political press. While, to a degree, this was a justified attempt to control the aggressive political propaganda steaming from some of the publications, it was an obscure piece of legislation, which generated a heated interpretation debate during every election.

Prior to the 2004 elections, the TMC attempted to clarify the meaning when it said that "Fair and equitable coverage requires the print media to provide a sufficient minimum of fair and factual coverage of all political entities so as to permit readers to understand the full range of political choices available to voters without discrimination."⁹³ However, this was not helpful given that as many as 32 entities competed in these elections, making it difficult to operationalise the concept of "sufficient minimum". Overall, it seems that the "fair and equitable" policy was too unrealistic and thus generally failed. During all election campaigns, the political dailies whose conduct inspired the regulation failed to comply.⁹⁴ *Bota Sot* and *Epoka e Re* were sanctioned on several occasions by the Election Complaints and Appeals sub-Commission (ECAC).⁹⁵ Meanwhile, in the case of balanced publications, the electoral rules weakened the journalists' independent analysis of newsworthiness, and

⁹⁰ The woman worked for the daily *Rilindja* for 26 years, and her murder was interpreted as a direct attack on the LDK which both outlets were supporting in their editorial lines. Original news item: IFJ press release, September 12, 2000

⁹¹ Kastrati was in a car with a former KLA leader who is believed to be the target of the attack but was only wounded. See K-Albanian newspapers, October 20, 2001

⁹² Annually published UNMIK "Electoral rules on media during the electoral campaign"

⁹³ Report entitled "Compliance with media election rules. Status report," released by the TMC, October 11, 2004

⁹⁴ This is confirmed by the monitoring work results of the OSCE and the local NGO Gani Bobi.

⁹⁵ During the 2001 general and 2002 municipal elections, ECAC fined *Bota Sot* (once and twice respectively) and *Epoka e Re* (once in each case) for bias and unfairness in reporting. Source: TMC tables of cases, 2002

subordinated the media to political parties. A survey of their coverage indicated that editors felt that every political event must be reported on, despite its newsworthiness under normal circumstances.⁹⁶ One positive element of the sanctions practice was however, that media-related fines were limited to media outlets and were not extended to political parties, as the case had been in Bosnia.

In more general terms, the newspapers' criticism of these regulations is not only indicative of their hostility toward the international authority but also of a more theoretical opposition with the regulations themselves. A large number of Kosovar editors and journalists have a deep conviction that the K-Albanian print media should be divided up according to political groups. Many journalists argue that most of the media democratisation goals advocated by the internationals, especially ideals like "independence" and "objectivity" do not make sense in such a politically heated environment, and that voters need to be clear on what the various parties represent.⁹⁷ Even independent journalists believe that the "fair and equitable" policy reduces the news-making and gathering function of the press to zero.⁹⁸ Meanwhile, others point to the fact that Kosovo was required to fulfil conditions which are not fulfilled even by advanced democracies of the European Union.

The general conviction about the necessity of a political mandate is aptly illustrated by the journalists' guiding philosophy, according to which, they are "Albanians first, and then journalists".⁹⁹ This, however, does not exempt journalists from the obligation to offer high-quality content for readers. The local and parliamentary elections – which resulted in the victory of the LDK on four occasions since 2000 – tested the newspapers' ability to prove their emerging professionalism by applying the skills which were developed as a result of donor-organised trainings. However, the newspapers generally remained passive observers of the elections, failing to generate any spirited debate. Newspaper coverage overwhelmingly dealt with political rallies (over 50%), official visits by campaigning politicians and party press conferences (referred to by Kosovar journalists as "protocol journalism") while the media's independent, theme-based discussion of election issues remained limited.¹⁰⁰

Due to the weakness of the judiciary and the powerlessness of the civil society, the identification both within society and the media with political parties is not surprising. The new political parties are the only institutions to represent K-Albanian interests, and the existence of a discursive space to debate matters of public concern is essential. According to a local poll in 2001, 64% of the K-Albanian community had stable political preferences prior to the elections, and 27% voted with the family (this might overlap with the previous group), leaving a minority of undecided voters.¹⁰¹ The large majority of the above mentioned voters were LDK supporters, which is not surprising given the LDK's history and legitimacy. The strong, deeply-rooted political preferences seem to have been confirmed by the October 2004 elections, and are unlikely to change before the new government and assembly are given more responsibilities, and political parties are measured against their real performance.

⁹⁶ Ibid. OSCE Media Monitoring reports, 2001 elections

⁹⁷ Conversation with Besim Beqaj, senior political advisor to Prime Minister Rexhepi, October 2004.

⁹⁸ See for instance, Baton Haxhiu: Equal airtime rule kills off debate, IWPR, October, 2004

⁹⁹ Interview with Aferdita Kelmendi, managing director of TV 21, March 2002

¹⁰⁰ OSCE Media Monitoring reports, 2001 elections

¹⁰¹ Survey by NGO Kosovo Action for Civic Initiatives (KACI), October 2001

Due to the media community's strong preference for the development assistance model, it could be argued that some form of "transitional media model" – suggested in the conclusions of the Hungary case study – could have been considered, in which partisan press is an accepted element of a print media landscape, and the emphasis is on establishing a strong, politically-independent public service broadcaster. In view of the OSCE's media monitoring exercise, and the TMC's sanctioning practice, it seems that there was a disproportionately high focus by the internationals on getting the print media "right".

2.3. THE K-SERBIAN NEWSPAPER LANDSCAPE

In order to reach the declared political goal of the internationals – i.e. to create an integrated and sustainable multi-ethnic society, the first and most important step should have been to develop separate, but equally functional print media structures for the Serb community. However – partly because of the uncoordinated nature of donor funding – no clear strategy was developed for the creation of local K-Serbian print outlets. The internationals provided support for journalism training, but there was no financial support available for local Serb publications. Consequently, the local Serbian-language print media landscape remained practically empty.

In 1999, the only locally-printed Serbian daily, *Jedinstvo* was required to move out of its headquarters in central Prishtina, and its office was given to Albanian papers. Belgrade strongly protested the joint move by UNMIK and the TMC, and accused the Albanians of looting over 70,000 DM equipment from the office with the help of KFOR.¹⁰² The paper's editorial office subsequently moved to the countryside (Zvecan), and continued to publish the paper as a weekly. There are no reliable figures regarding its circulation, but it is estimated to be between 5,000 and 7,000 copies each week. Unlike Serbian radio stations, the paper never received any donor funding,¹⁰³ and survived only through funding from Belgrade.¹⁰⁴ Its editorial line represents the interests of the Serbian community throughout Kosovo and Serbia proper, but it is not as extreme in its language as some Albanian newspapers.¹⁰⁵ Several further regional papers appeared sporadically, but only few of them managed to stay afloat (e.g. *Glas Juga*).¹⁰⁶

Overall, Kosovo's estimated 130,000-member Serbian community relies on newspapers from Serbia proper. The most popular papers are *Blic* (76%), *Vecernje Novosti* (61%) and *Politika* (15%), as well as the weekly *Nedeljni Telegraf*¹⁰⁷ – the distribution of which for isolated Serbian enclaves in Kosovo has been organised by OSCE and other NGOs. The OSCE also distributes newspapers which have a specific audience, for example 8,000 copies of the Serbian children newspaper *Male Novine*.¹⁰⁸ The circulation of Serbian newspapers in Kosovo complicated the application of the

¹⁰² *Novo Jedinstvo*, December 23, 1999, available at www.serbia-info.com

¹⁰³ OSCE internal report of the "Status of minority media in Kosovo", May 2002

¹⁰⁴ Interview with György Kakuk, UN spokesperson, North Kosovo, April 2004

¹⁰⁵ Ibid.

¹⁰⁶ OSCE internal report of the "Status of minority media in Kosovo", May 2002

¹⁰⁷ Calculated as an aggregate percentage of the first and second choices by those in the K-Serb community who read newspapers. IREX/ Index Kosova audience survey, 2001

¹⁰⁸ Information from OSCE Media Department

codes of conduct and the electoral rules regarding the press – so much so that the TMC did not even try to enforce them despite the fact that the applicable legislation is applicable for all printed media “published and/ or distributed” within the territory of Kosovo. The TMC’s ignorance of all Serbian media output (including locally produced) generated complaints from Albanian journalists who pointed to the existence of violations within the local Serbian media.

In defence of the internationals’ encouragement of these parallel structures, it has to be pointed out that given the uncertainties over the participation of Serb politicians in Kosovo’s institutions, there was no real reason for the Serb community to establish their own newspapers. The voluntary development of the Serb media would have been an endorsement of the international mandate, signalling a move toward the acceptance of an independent Kosovo, which the Serb community has been vehemently against. It also underscores the societal rejection of the power-sharing arrangement by both intellectuals and K-Serb community-at-large. However, this development suggested that if the establishment of vertical lines of communication are discouraged by both the Serbs and the international donors, then the prospects for a more ambitious system of mixed, multi-ethnic outlets – an idea that was later promoted in the broadcast media – are relatively bleak.

3. BROADCAST MEDIA DEVELOPMENT

3.1. CREATING A K-ALBANIAN BROADCAST LANDSCAPE FROM SCRATCH

While the print media segment was developed largely without a comprehensive strategy, the internationals had strong ideas regarding the most appropriate broadcast landscape for Kosovo. However, these ideas did not amalgamate into one clear policy solution, but rather, two opposing ones – leading to momentous disputes between the democratising internationals. Once again, despite the declared goal of creating a multi-ethnic society, little attention was paid to the needs of the Serb community, and the focus of the discussion was on the modalities of creating a democratic media system for the Albanian majority. This section will review the broadcast media development policy with a particular focus on the divergent “European” and “American” positions.

Despite the unresolved legal issues concerning Belgrade’s authority over the broadcast spectrum, broadcast media liberalisation had been initiated prior to the establishment of the Temporary Media Commissioner (TMC) – without a comprehensive plan, or any expert oversight. In the immediate aftermath of the conflict, KFOR allocated 39 FM frequencies to radio stations,¹⁰⁹ while the UNMIK Division of Press and Public Information and later the OSCE, issued provisional broadcast licenses on an *ad hoc* basis.¹¹⁰ The guiding philosophy was that the emerging Kosovar media should not be constrained by the regulatory vacuum. As a result, within the first four months after the conflict, ten local television stations and 72 radio stations have been started up using international donor funds.¹¹¹

¹⁰⁹ Annual report by the Temporary Media Commissioner, 2001

¹¹⁰ Interview with OSCE officials, 2002

¹¹¹ Source: Annual report by the Temporary Media Commissioner, 2001. This, again, is a very high number for the size of Kosovo, which is illustrated aptly by the operating income of the public service broadcaster, RTK’s which is 20 times as little as that of the Czech Republic (12 million DEM annually).

Due to the lack of donor coordination, most of the funding was initially picked up by electronic outlets supporting the interim government of Hashim Thaci (PDK). At this time it was typical that funding and equipment would be donated in haste, without the organisations' checking where the money goes and whether it fits in with any larger political and social plan. (It was not until mid-2000 that the OSCE and the Open Society Institute eventually began to assist with donor coordination.) Ownership issues regarding office space and pre-conflict equipment often remained unresolved, but the local media activity nevertheless boomed amidst the hope that the donor-supported "market" will lead to permanent jobs. The editorial offices of *Koha Ditore*, *Zeri Kosova Sot*, *Bota Sot*, *Rilindja*, as well as *Radio 21* were all hoping to secure enough donor funding to set up Kosovo-wide television channels.¹¹²

The initially chaotic broadcast landscape was put in order after the TMC reviewed all licensing decisions and required all broadcasters to reapply. Through the TMC's review, many broadcast outlets – set up by extremist journalists with loyalties either for Milosevic or the interim Thaci-government – were closed down. However, there was nothing the TMC could do about the fragmented and unsustainable broadcast market which grew out of the uncoordinated donor effort. In 2003, there were 92 radio stations (local and K-wide), 26 television stations (local and K-wide)¹¹³ – far too much for the province's size and market potential. Of these, 100 were monolingual (of which 67 are Albanian, while 27 Serbian language) and 18 bi- or multi-lingual.¹¹⁴ Apart from RTK, the large majority of multi-lingual broadcast outlets are small, local stations, unable to serve the information needs of the Serb community.

After KFOR's arrival, a group of former employees, with allegedly close ties to the Kosovo Liberation Army, attempted to occupy the premises of the Radio Television Prishtina (RTP).¹¹⁵ KFOR's prompt intervention prevented this from happening and the station soon started operations under the management of the European Broadcasting Union (EBU). Renamed Radio Television Kosovo (RTK), the station was re-launched on satellite in September 1999. Its daily one hour "emergency operation" served both as a relay for UNMIK public information programmes, and as the nucleus of a future multi-ethnic public service broadcaster.¹¹⁶

In the first six months, RTK acted as an extension of the UN administration. While this was criticised by the locals, it seems to have been unavoidable given that the most important public service mandate in those complicated months was the facilitation of dialogue between the arriving internationals and the locals.¹¹⁷ Due to the differences in theoretical and methodological priorities, the design format of a democratic broadcast landscape became one of the most contentious issues in the K-Albanian media democratisation project. The Americans and the Europeans could only agree on the

¹¹² Op. cit. Sullivan (2000: 11)

¹¹³ Annual report by the Temporary Media Commissioner, 2002

¹¹⁴ Ibid.

¹¹⁵ Op. cit. Thompson (2000: 67)

¹¹⁶ Illuminating details about the launch can be found in an interview with Christabel King, RTK's editorial director in the first nine months. In Roques, Anne-Elisabeth (2003): PSB vs. commercial broadcasting? What type of broadcasting system do Americans and Europeans want to develop in Kosovo? Unpublished MA thesis, School of Journalism of Cardiff University

¹¹⁷ By February 2000, RTK had over one hundred employees, most of them former RTP staff who insisted on getting their former jobs back. RTK got to keep many of the young journalists it hired in the first few weeks as well, but not as many as it would have liked to.

rhetorical goal i.e. the need for the creation of a "free and democratic media system", but not on how to establish that. The American view, represented by the US Office in Prishtina and IREX, has focused on achieving a bottom-up consolidation of democratic standards, and sustainable political independence. They advocated a libertarian broadcast landscape where the PSB is marginal, and media pluralism is ensured by private channels.¹¹⁸

Meanwhile, the Europeans (OSCE, TMC) took the view that similarly to other broadcast media reforms in the advanced part of the post-communist region, the media structure for Kosovo should be a dual system, made up of public service and commercial stations. Their preference for the application of the social democratic theory was rooted in two essential goals – to ensure a mediated space which would assist the badly needed societal dialogue in the post-conflict era, and to guarantee the right to information of all of Kosovo's ethnic communities. It was hoped that RTK alone would lead to the satisfaction of both main objectives of the media development mandate.

Due to a lack of consensus and a clear roadmap on how to achieve common aims, the two sides embarked on entirely separate development programmes. The difference emerged early on when the US response to the OSCE efforts to develop an ambitious and costly public service broadcaster was a calculated development of two commercial rivals to RTK. The US office, and most crucially IREX, helped the journalists around *Koha Ditore* and Radio 21 to prepare bids for the two remaining K-wide frequencies in order to ensure an external pluralism within the new media system. The American insistence regarding the TMC's allocation of *both* K-wide licences has been characterised as a "strategic mistake" by most European observers and participants of the policy design process,¹¹⁹ given that three Kosovo-wide broadcasters were never going to be sustainable in the weak economic climate. The creation of TV21 and Kohavision (from now on KTV) in December 2000 led to the emergence of three under-funded stations, which all struggled under the burden of their new missions.

In the first three years, neither the commercial channels nor RTK's management could deliver a medium-term financial plan, as funding remained uncertain and the stations had little stable income.¹²⁰ The advertising market was seriously restricted, and all three stations remained dependent on outside aid.¹²¹ Despite the financial problems, all three television stations performed well, playing a positive overall role in informing the public. They also operated in line with applicable regulations which prohibit the promotion of political party interests, oblige them to practice accurate, fair and impartial reporting, and similarly to the case of newspapers, require them to provide "fair and

¹¹⁸ From the outset, the US considered Kosovo a clean and fertile ground for implementing its version of democracy. An excerpt from a USAID document aptly characterises the US position: "Old structures in the public and private sectors have largely been swept away, and our interlocutors are highly receptive to advice, particularly from Americans. We have a chance to "green-field" a government, a democracy, and a market economy, which can serve as important examples in a problematic region. [...] Government institutions, though underpaid and under-skilled, are not as yet bloated and for the most part do not exhibit signs of predatory behaviour." (USAID, 2003 annual)

¹¹⁹ See for instance the interview with Mark Thompson, in Op. cit. Roques (2003)

¹²⁰ Interview with Richard Lucas, Managing director of RTK, December 2001

¹²¹ By 2003, RTK was only generating 29% of its own income, while the same figure for the much smaller TV21 and KTV operations was 50%. In case of RTK, the rest came from donors (31%) and funds from the Kosovo Consolidated Budget (40%), while in case of the commercial channels, exclusively from donor funds. Sources: RTK annual report 2002, USAID annual report 2002

equitable” coverage to all political entities during elections.¹²² The OSCE, which closely monitored and analysed the compliance of all media during the electoral period, acknowledged their “remarkable maturity”, especially compared to the biased and often radical newspaper scene.¹²³

RTK, which reaches 70% of Kosovo’s population, operated without a charter for two years, but in June 2001 it was officially established as a “not-for-profit public service broadcaster”. According to the law, RTK’s director is chosen by a 9-member independent board (six locals and three internationals), and not by elected politicians like in many European countries. In order to prevent conflict of interest and to safeguard RTK’s independence from politics, the board members cannot hold elected public positions, be members of the executive body of a political party or have financial interests in the telecommunications or broadcasting industries.

Even more importantly, RTK was formally obliged to “give a voice to all communities in Kosovo”, and run 15% of its programming in minority languages, including 15% of its prime time news.¹²⁴ It was also mandated to design a programming structure which strikes a balance between programmes with popular appeal and those which serve the needs of niche audiences. While initially RTK’s broadcasts were mainly UN-produced or donated programming from Europe, by 2003, in-house productions increased to 70%.¹²⁵ All audience surveys confirmed the leading position of RTK – according to a viewer preference survey, 91% of K-Albanians like to watch RTK,¹²⁶ while according to a more comprehensive, audience measurement survey RTK attracts 32,7% of the entire television audience, while KTV and TV21 draw 25,9% and 11,7% of the audiences, respectively. RTK’s evening news programme, however, is unrivalled – it attracts over 63% of the total news-watching audience.¹²⁷ Its two radio stations, Radio Kosova (36%) and Radio Blue Sky (9%) were second and third in popularity after the most heavily funded, entertainment focused station Radio Dukadjini (47%).¹²⁸

Until the outbreak of inter-ethnic violence in March 2004, RTK was generally considered a “success story”.¹²⁹ It increased its airtime to 24 hours a day, and through its public service and news programmes it had a positive impact on Kosovar society. Studies show that the difficult living conditions and the 58% unemployment rate (2002) have rendered most Kosovars disillusioned with the post-1999 developments – the

¹²² Code of Conduct for the Broadcast Media (in effect since September 8, 2000), and annually released Electoral rules regarding the broadcast media

¹²³ What also contributed to the stations’ ability to remain politically neutral has been that the electoral rules banned paid political advertising on all broadcasters in all three elections to date.

¹²⁴ UNMIK regulation 2001/13 On the establishment of Radio Television Kosovo, June 15, 2001

¹²⁵ RTK Annual report, 2002

¹²⁶ IREX/ Index Kosova audience survey, 2001, general cumulative data of first, second and third choices among K-Albanians

¹²⁷ Survey conducted by Helen Harrison and Co. & Kosovar research agency Prism. Conducted in July, date released in September 2003.

¹²⁸ RTK Annual report, 2002

¹²⁹ For instance, whenever the station was accused of biased coverage, the challenges were later proved wrong. One example is when in 2000, Hashim Thaci complained with the TMC of RTK’s biased coverage against himself and in favour of Rugova. RTK’s archived material was no longer available, thus the TMC turned to the OSCE’s Media Monitoring section to check its own monitoring archive to verify the claims. However, the OSCE found no evidence to support Thaci’s contention. Source: OSCE Media Monitoring archives

majority do not believe in the effectiveness of various mechanisms of civic participation to influence change in local political and social issues and only 31% expressed willingness to perform volunteer work in their communities.¹³⁰ Despite these trends, Kosovars were interested to follow political and social developments – and the most watched programme on all channels in Kosovo was the news (68%).¹³¹

While its management claims that RTK's success was due to its "balance between quality and professionalism",¹³² the present author considers other factors to be more determining. First of all, the programming structure of RTK shows that its management decided to opt for a more mainstream, second-cluster approach (i.e. resembling commercial stations with regard to its focus on entertainment programming and advertisement), as opposed to a high-quality, third cluster approach which the management originally planned.¹³³ Secondly, RTK's success might also have to do with the familiarity and credibility which was created in viewers as a result of RTK's pre-conflict existence. Finally, for several years, RTK had no functioning government to guard its independence from, thus the question of political dependence was initially irrelevant.

The violent events of March 2004 – in which 19 people died, nearly 900 were wounded and 4,500, mainly Serbs, were forced out of their homes – drastically changed the internationals' perception of RTK's professional conduct. While all three K-wide television channels were accused of being instrumental in inciting the violence, RTK received the harshest criticism, and was accused by several watchdogs to have applied a technique of "reckless and sensationalist reporting".¹³⁴ They condemned RTK's premature editorial judgement regarding the death of two Albanian children, which – according to RTK's unverified, yet widely aired reports – was the result of a deliberate attack by Serbs. Even though no comprehensive, official investigation has been completed into the violence by the final drafting of this chapter, it seems likely that the unprofessional, anti-Serb news stories were key in mobilising the Albanian mob against the Kosovar Serbs.

The professional failings occurred despite RTK's development of an elaborate Code of Ethics for its staff in January 2004. The 50-page document entitled "Professional standards and principles of journalistic ethics in the programming of RTK" require full impartiality and accuracy in reporting. While it cannot be expected of all RTK journalists to internalise such a large document, it is one of the first points (on page 1) that "reporting should be dispassionate, wide-ranging and well informed" and that "reporting has to avoid anything causing reasonable doubt regarding the impartiality of the journalist or the public service broadcaster, or might create the idea

¹³⁰ UNDP (2003): The Kosovo mosaic - Perceptions of local government and public services in Kosovo, March 2003, Report based on a comprehensive, 6,000 people public opinion survey

¹³¹ Survey conducted by Helen Harrison and Co. & Kosovar research agency Prism. Conducted in July, date released in September 2003.

¹³² RTK Annual report, 2002

¹³³ Interview with Richard Lucas, Managing director of RTK, December 2001

¹³⁴ Report by the International Crisis Group (April 2004), Report by the OSCE Representative of the Freedom of the Media (April, 2004), Report by Temporary Media Commissioner (April, 2004)

that the journalist or broadcaster are exposed to the pressure of a certain group, be it of an ideological, political, financial, social, religious or cultural nature.”¹³⁵

The debates that followed the March events highlighted the extreme antagonism which had built up between RTK’s management and the internationals. Findings by the TMC and the OSCE Representative on Freedom of the Media were vehemently disputed by RTK, some local journalists’ associations and local politicians, who claimed that the reports were face-saving measures for the internationals who had failed to control the crowds.¹³⁶ The RTK management went as far as claiming that the TMC report and the subsequent fines were driven by the US Office’s anti-RTK agenda (the TMC at the time was a former IREX official).¹³⁷ The dispute lasted for much of the year 2004, until a compromise solution was found, in which the stations admitted violations of the broadcast code of conduct and agreed to allocate funds to staff training in conflict reporting (i.e. the fines *per se* were waved).¹³⁸

The roots of the RTK-related problem are best understood against the backdrop of the pre-March dilemmas regarding RTK’s operation, which were widely discussed in international circles but did not get much local coverage.

1. One fundamental problem with RTK has been that it failed to become a multi-ethnic broadcaster, as required by law. Its management claimed that the station broadcasted the required amount (15%) of its programmes in minority languages, and that it exceeded that (26%) in relation to its daily news programming.¹³⁹ But in reality, the station did not prioritise between the length of Serbian, Turkish and Bosnian-language programming (all 105 min. per week)¹⁴⁰ despite the fact the Serbs constitute the biggest minority group. Also, minority representatives complained that the lack of subtitling alienates the non-Albanian population, and have mentioned that the “neutrally-presented” Serbian-language news do not address their specific concerns.

2. The second basic problem was that the RTK management somewhat subordinated to the governing parties (and particularly the first Prime Minister’s party, the PDK), and during the nights, began showing patriotic Albanian propaganda to protest the international pressure to become a multi-ethnic broadcaster. In the words of the OSCE Representative on Freedom of the Media, it became an organisation “not committed to politically correct reporting.”¹⁴¹ The management became so powerful that it assumed control over its supervisory board, and thereby rendered dysfunctional the only internal, independent quality control mechanism.

¹³⁵ “Professional standards and principles of journalistic ethics in the programming of RTK”, January 2004

¹³⁶ See for instance the conclusions reached by the Media Committee of the Kosovo Assembly, in OSCE Media Monitoring, May 13, 2004, and May 18, 2004

¹³⁷ See “A critical view of the Temporary Commissioner Report”, RTK management, May 2004

¹³⁸ See “Statement on the settlement of sanctions cases,” TMC, December 17, 2004

¹³⁹ Data from RTK website, www.rtklive.com

¹⁴⁰ Interview with Elvana Prekazi, Head of Administration, RTK, February 2004

¹⁴¹ Conversation with Miklós Haraszti, OSCE Representative on Freedom of the Media, July 2004, Brussels

3. Thirdly, despite the fact that RTK's remit was to run programming "dealing with significant social issues," RTK did little to promote inter-ethnic reconciliation.¹⁴² In addition, despite the RTK legislation's recommendation that the board of directors should "reflect a cross-section of Kosovo's civil and multi-ethnic society as well as the regions of Kosovo,"¹⁴³ only one Serb has been appointed to the supervisory board, and no Serb has worked in RTK's highest management since the organisation was set up.¹⁴⁴ Also, only 18 of RTK's 336 permanent employees are Serbs. (5.3%) As a result, RTK was often accused by Serb political representatives to be "freezing inter-ethnic confrontations".¹⁴⁵

4. Lastly, RTK's pool of young K-Albanian journalists were not trained, or experienced in dealing with sensitive, breaking stories in the area of Albanian-Serbian relations.

At the same time, it needs to be pointed the "March 2004" assessments reports did not take into account the contradiction between production patterns (i.e. the need to make rapid editorial decisions in television coverage) and the Kosovo-wide uncertainty regarding the future political settlement, which has resulted in an unclear framework for the coverage of sensitive inter-ethnic issues. Despite the five years of peaceful co-existence, the ethnic tensions in the society remained high and explosive, creating a difficult environment for the practicing of democratic journalism skills. Despite that, most internationals and minority representatives seemed to expect RTK to resolve societal tensions overnight, and failed to acknowledge that RTK is, in fact, the mirror image of all the sensitive issues which confront the Kosovo society and the democratising internationals.¹⁴⁶

There were also basic structural problems on the Kosovar media landscape. Overall, the large majority of donor funds went to the Albanian language media, and only a small number of multi-ethnic broadcast outlets were set up (i.e. those which broadcast on three or four minority languages e.g. Bosnian, Turkish, Roma and Serbian). Given a combination of factors – the weak business potential, the lack of easily accessible and stable donor funds, as well as the lack of initiative on behalf of the Serbs, little success was achieved in creating viable Serbian-language, public information providing outlets.¹⁴⁷ The few Serbian-language television and radio outlets either became firmly oriented toward Belgrade (in the north of Kosovo where Serbs are a majority) or remained isolated outlets with limited audiences and communication

¹⁴² UNMIK continually called on grassroots organizations – including media outlets – to promote tolerance, to foster inter-ethnic dialogue, and to disseminate information regarding minority returns, and related issues such as property rights, but no political agreement was reached on the establishment of a televised Truth and Reconciliation Commission, which would have made RTK's situation easier.

¹⁴³ UNMIK regulation 2001/13 On the establishment of Radio Television Kosovo, June 15, 2001

¹⁴⁴ Interview with Elvana Prekazi, Head of Administration, RTK, February 2004

¹⁴⁵ Report by Medienhilfe's Support Programme for Independent Media in Kosovo, 2001, Chapter entitled "Main problems and needs"

¹⁴⁶ According to a UNDP survey, only 4% of the Kosovar society seems to be willing to volunteer in activities promoting inter-ethnic tolerance. (UNDP, 2003)

¹⁴⁷ Some donor funding went toward Serbian radio and television stations, as well as network of radios, but these either remained isolated or failed to provide the type of public service broadcasting that would have been needed.

potential (in enclaves in the South of the river Ibar). Thereby, the majority of the Serbs remained without Kosovo-based representation on the broadcast media landscape, too. The RTK failed to attract Serbian audiences,¹⁴⁸ and for news programming, the community continued to rely on radio and television broadcasts from Serbia proper.¹⁴⁹

RTK was created to serve as a shared communication platform between the Albanian and Serb communities, and the internationals seemed to believe that, in the long term, RTK alone would be the central institution to satisfy the information needs of all ethnic communities. However, in light of the above, it is argued here that while RTK has been an adequate foundation for the communication system of this conflict-ridden society, its operation would have been more successful if complimented by the development of mono-lingual Serbian broadcast media outlets. A multi-ethnic television could have only worked toward reconciliation if the different communities were interested in each other's culture and language,¹⁵⁰ but in the case of Kosovo, this was never a realistic possibility.

Given that the potential for multi-ethnic media projects has been limited by the low willingness to return to previously multi-ethnic areas,¹⁵¹ several leading UNMIK officials have suggested that the Serbs should be assisted with the establishment of a local, Serbian-language PSB television station.¹⁵² Following the March violence, this view became even stronger, as an increasing number of internationals and observers began to argue (including the US State Dept. in Washington) that only a Kosovo-wide Serbian television station could provide the local Serbs with adequate psychological support to remain in Kosovo.¹⁵³ Thereby, it is being increasingly realised that a multi-ethnic RTK might have been too ambitious from the start, and the level of inter-ethnic intolerance had been underestimated.

3.2. CONTROVERSY OVER REGULATORY ISSUES

The heated policy debate regarding the draft law on the Independent Media Commission (commonly referred to as the IMC law) heightened the differences between the conceptual positions about the structure and organisation of the Kosovar media system. The IMC law was designed to supplement the regulation establishing RTK,¹⁵⁴ and replace all other media regulations and codes of conduct, as well as the institution of the TMC. As its main mandate, it should provide for the creation of a locally-run permanent regulatory authority, regulate the operation of the already existing Media Appeals Board, and establish a procedure for appointing the board of RTK. (Stipulations on RTK's financing were also incorporated into the text, although

¹⁴⁸ A 2001 IREX-commissioned media consumption survey confirmed that RTK is not among the top six television channels, which Serbs watch. 66% have declared to never watch RTK at all. No other survey is currently available.

¹⁴⁹ The local Serbian-language radio and television stations predominantly feature entertainment programming. Source: IREX/ Index Kosova audience survey, 2001

¹⁵⁰ In the case of RTK, neither of the two communities watched programming aired in the other's language.

¹⁵¹ UNHCR Minority Returns report, 2003

¹⁵² UN Head of Press and Public Information, Simon Haselock and others have advocated the establishment of an independent, separate local Serbian PSB.

¹⁵³ Conversation with USAID Kosovo officials, June 2004, Brussels

¹⁵⁴ UNMIK regulation No. 2001/13 on the Establishment of Radio Television Kosovo, June 15, 2001

this was not the original intention.) Let us first list the key steps in the draft law's development between 2000 and 2005.

The journey of the IMC law. Prepared for the first time in 2000, and since then redrafted several times, the IMC legislation was only passed by parliament in April 2005, and is currently pending promulgation by the SRSG who had serious reservations about some of the provisions. The first draft was prepared by UN/ OSCE experts and the TMC, and in 2002 the Interim Administrative Council, which was a transitional government made up of international and Kosovar members, endorsed the draft. Due to objections from the US Office over the envisaged funding portfolio, the SRSG however refused to sign it. The draft was then transferred back to the TMC's office, who along with a so-called Media Task Force (a team of international experts) redrafted and finalised the text.¹⁵⁵ The new version recommended that RTK be funded through a combination of licence fees and advertising only (no budget allocation), and suggested that the advertising issue should be dealt with in the context of an Administrative Directive on RTK funding – separate from the IMC regulation. However, the commercial channels rejected that idea.¹⁵⁶ The TMC called for a swift passage of the long-awaited law, and placed a moratorium on the issuance of new broadcast licenses until the IMC was set up.¹⁵⁷ Simultaneously, it also requested donors not to encourage the establishment of new broadcast outlets.

In February 2003, however, UNMIK transferred the competencies relevant to media policy and legislation to the Kosovar-led Provisional Institutions of Self-Government. The "final international draft" was thus handed over to the Kosovar Prime Minister's Office for consideration.¹⁵⁸ Despite the internationals' expectation of a swift endorsement, the Kosovar government began a lengthy review – thereby allowing time and opportunity for the US Office to continue pushing the libertarian agenda. When presented in 2003 to international and local stakeholders, the first Kosovar IMC draft gathered storm, and drew objections even from international organisations outside of Kosovo – the EU, the Council of Europe, as well as RTK's founder the European Broadcasting Union (EBU).¹⁵⁹ The bodies pointed out numerous internal contradictions and loopholes within the new draft and criticised it for the discretionary political interference which it allowed. With regard to RTK's funding, the apparent triumph of the US position was criticized for placing the positive trends in RTK "under serious threat".¹⁶⁰

Main bones of contention. Between 2003 and 2005, the various "theoretical" positions became mixed and difficult to follow, as the new TMC (this time an American, former IREX official) was representing more of a libertarian position on certain aspects, while the locals campaigned for a license to exercise control over the broadcast media. In the meantime, the OSCE withdrew itself from the debate, and

¹⁵⁵ Report by the International Advisory Group to the Task Force on the Independent Media Commission (IMC) to the SRSG, released on October 6, 2002

¹⁵⁶ Annual report by the Temporary Media Commissioner, 2002

¹⁵⁷ TMC press release, March 26, 2003, and RFE/ RL Newline, March 29, 2003. The moratorium was eased in December 2003, to encourage the establishment of more multi-ethnic broadcast outlets. TMC press release, December 11, 2003

¹⁵⁸ February 13, 2003

¹⁵⁹ OSCE Background report, Status of the IMC draft law, June 6, 2003

¹⁶⁰ EBU press release, May 16, 2003

admitted that it had “lost the plot”.¹⁶¹ After the local elites assumed responsibility for the IMC law, the ensuing debate continued to highlight differences of opinion in two main areas – the relationship between the incumbent government and the public media bodies (RTK, IMC), and the financial sustainability of RTK.

The first issue to cause disagreements was political influence over RTK and the IMC. The prolonged drafting process demonstrated that local politicians regarded a fully independent IMC and an independent RTK a possible danger with regard to their authority and power. After having been given the *first opportunity* to rework the international IMC law draft, local politicians incorporated amendments to the international draft of 2003 allowing for a more politicised operation. They created a non-transparent appointment system for the IMC council, as well as the RTK board (which was to be appointed by the former), creating opportunities for politically-driven appointments and decision-making.¹⁶² Under this proposal, the parliament was given disproportionately more power in removing than in appointing Council members, and the rules of dismissals were not defined clearly.

According to the proposal, RTK would be obliged to carry out an ambitious public service mission, but its financial survival would be increasingly dependent on the public budget given the envisaged phasing out of advertising revenues by 2008. As the Council of Europe pointed out, the draft not only showed preference for commercial broadcasting but was also “certain to leave the public service broadcaster under-financed and incapable of performing its obligations properly.”¹⁶³ The governing elites also sought to place RTK under the direct control of the parliamentary committee of media affairs, by assigning an annual compulsory efficiency review. They also created a system in which RTK’s budget could be revised at any time, and without elaborate checks-and-balances assurances.

Given the limited growth potential of the Kosovar economy and advertising market, the second main bone of contention emerged in relation to the public service broadcaster’s financial sustainability. In an apparent effort to correct the financial enabling environment in favour of the commercial broadcasters, the *first* locally produced (and US Office supported) draft placed RTK on the path of certain death by prescribing a gradual phase-out of advertising. Despite the elaborate programming obligations for RTK, local political elites – who began to see the three television stations as three possible political party associates for the future – were convinced by the argument made by the US office-financed commercial broadcasters which insisted on ensuring “fair and correct competition”. Similarly to the Hungarian case, this aimed to correct an imbalance which the media landscape inherited from the past.

Due to its pre-1999 history, RTK’s overwhelming success with Albanian audiences and its satellite outreach to the émigré community meant that it had secured a leading position (68%) in generating advertising revenue.¹⁶⁴ Travel agencies, airlines

¹⁶¹ Conversation with Jeremy Lidstone, former OSCE Head of Media Department, May 2005

¹⁶² For a detailed analysis, see Council of Europe (2003): Comments on the Kosovo draft Law on the Independent Media Commission and broadcasting, prepared by Karol Jakubowicz, released May 19, 2003

¹⁶³ Council of Europe (2003): Comments on the Kosovo draft Law on the Independent Media Commission and broadcasting, prepared by Karol Jakubowicz, released May 19, 2003

¹⁶⁴ In 2001, 68% of all advertising was on RTK, while TV21 had a 18% share, and KTV a 14% share. Source: “Advertising on the spot in Kosovo,” Report by the International Advisory Group to the Task Force on the Independent Media Commission, October 4, 2002, Prishtina, Kosovo

and insurance companies were particularly interested to advertise on RTK.¹⁶⁵ For years, the commercial channels argued that RTK's excessive funding through various donors and the budget, coupled with the potential of revenues from the license fee, had already given RTK a competitive advantage, and it should not be allowed to advertise. Despite the fact that RTK needed a diverse and stable financing structure to perform its ambitious public service remit, the commercial broadcasters campaigned on the principles of competition law, and argued for the need to regulate the advertising market to avoid the development of an RTK monopoly. The US Office's libertarian convictions to reduce state involvement in media affairs were a welcome support.

Creating legal guarantees for stable and non-political funding has been a cornerstone of the European, social democratic position. The Europeans argued that only a public service broadcaster can provide the diversity of programming and the internal pluralism of voices that are necessary to create constructive social dialogue and a democratic policy sphere. They were driven by the conviction that RTK would be an all-encompassing response to both the needs in the area of high-quality public service programming and the challenge of multi-ethnic co-existence. Their approach was supported by the conclusions of an SRSG-commissioned report on RTK's financing, which concluded that both license fees and advertising are central to RTK's success. Also, the RTK's managing director argued that RTK would lose its political independence if it had to rely solely on licence fees.¹⁶⁶ The European partners insisted that a market consolidation process should only affect the commercial broadcasters, and in case of a weak advertising market, the commercials should either merge or go out of business.¹⁶⁷

Embedded in the economic and political realities of post-conflict Kosovo, the social democratic logic seems to be the only one which offers the potential to meet all the needs – as well as the ambitious benchmarks – in the broadcast segment. However, it is debatable whether the costly and ambitious public service operation was realistic in the first place, as Kosovo does not have the necessary economic vitality to support such a large-scale endeavour. In addition, RTK was dependent on the questionable success of the Kosovo-wide license fee collection. European experience shows that only developed markets and trustworthy taxpayers – such as the UK, Germany and the Scandinavian countries – can afford to have a strong and ambitious PSB. As the Ukrainian case aptly illustrated, media pluralism and media freedom are highly dependent on economic conditions, and a pluralistic media landscape cannot be created, not to mention maintained on the long run, under weak economic conditions. It was gradually recognised, although never formally admitted, by European policy-makers that – even if the revenues from license fees and advertising were stable – RTK would still be unlikely to succeed in its remit without external support.¹⁶⁸

The Americans were not overly concerned with the issue of multi-ethnic co-existence, and designed their strategy around the core aim of assuring that the television landscape remains independent of the emerging Kosovar government. Similarly to the

¹⁶⁵ Interview with Richard Lucas, Managing director of RTK, December 2001

¹⁶⁶ Interview with Richard Lucas, Managing director of RTK, December 2001

¹⁶⁷ EBU's Werner Rumphorst, in Op. cit. Roques (2003)

¹⁶⁸ Werner Rumphorst of the European Broadcasting Union, for instance, said that unless RTK is funded proportionately in the same way as the BBC, ARD, SVT or Swiss broadcasting, there will be a serious risk that it will become a US-style marginalized PSB. Op. cit. Roques (2003)

Europeans, they used RTK's financial vulnerability as an argument, and cited regional examples where governments failed to ensure the independence of costly public service broadcasting operations. Given that political interference was tangible on both the part of the internationals¹⁶⁹ and the locals¹⁷⁰ during the period of investigation, the prime libertarian concern was that one station alone would not be able to resist either political pressure from the government, or financial pressure from future business leaders or oligarchs. At the same time, the US was undoubtedly also trying to protect its "investment" in media development. They knew that if RTK continues to be as successful as it is, the channels they have sponsored would eventually have to merge or disappear altogether.

The US Office suggested that all possible revenue sources should be fairly divided among broadcasters i.e. if RTK already receives public funding it should not be allowed to use advertising funds as well. They argued that a large-scale PSB operation would be anachronistic and controversial as no politically independent PSB can be created despite the best intentions. However, they overlooked the fact that every post-communist country, which reformed its state media, has designed a mixed funding system, which includes advertising.¹⁷¹ They also disregarded the opinion of a 2002 independent expert group which warned that curbing advertising would also discourage competition and thereby put an obstacle before Kosovo's economic development.¹⁷² Another overlooked aspect was the fact that license fee collection was far from being a certain and stable source of revenue, in fact it was more a burden than assistance.¹⁷³ Finally, the advertising revenues for commercial channels became so high by 2004 that the channels became sustainable, and could fund all operational costs without further donor support.¹⁷⁴

All in all, it seems that while implementing the respective theories, the two sides failed to consider all dimensions of the democratisation effort. A libertarian model alone would not address the problem of multi-ethnicity and reconciliation, the need for high-quality programming, the promotion of social dialogue and a general remit of nation building. At the same time, while the suggested social democratic model would in theory cater for all those needs (except for the Serb interests of course), it is a very expensive model, unfit for the current conditions of Kosovo. Some observers argued that instead of applying these theories, the two parties should have designed a brand new model, which is specific for the unique Kosovar situation. Some have indicated that

¹⁶⁹ RTK has been "subject to the manipulation of the protectorate power, just like in Bosnia." (Thompson in Op. cit. Roques (2003))

¹⁷⁰ Interview with Richard Lucas, Managing director of RTK, December 2001

¹⁷¹ Only in Estonia was advertising banned, in 2002.

¹⁷² "Advertising on the spot in Kosovo," Report by the International Advisory Group to the Task Force on the Independent Media Commission, October 4, 2002, Prishtina, Kosovo

¹⁷³ In keeping with the traditions of Kosovo, the license fees were began to be collected by the Kosovo Electricity Co. (KEK) in November 2003. This fee of 3,5 euro was levied on all households, businesses and other organizations, as a separate item on the electricity bill. While collection has been "difficult" with Albanians, it has been virtually impossible with the Serbian community who have no interest in RTK, and do not rely on KEK for electricity. (The north of Kosovo is quasi integrated with Serbia in terms of electricity, television, and mobile phone networks.) Details regarding the license fee can be obtained from <http://www.rtklive.com/site/etc/questions.php>

¹⁷⁴ See ARD Inc. (2004): Kosovo Media Assessment, Final report, commissioned by USAID, March 2004, available at http://www.usaid.gov/missions/kosovo/pdf/Kosovo_Media_Assessment.pdf, pp. iii

the solution might be in creating private broadcasters with a strong public service remit to act as the central instrument of the new broadcast segment.¹⁷⁵

The final version. In January 2005, the Kosovar parliament agreed the draft law “in principle”¹⁷⁶ and passed the legislation in April 2005. The law, as adopted by the parliament, terminates the authorities competence in regulating the print media, and thus makes the print codes of conduct redundant. (Several versions of the draft law provided for the temporary transfer to the IMC of the TMC functions with regard to the print media, “pending the establishment of effective professional self-regulation by the print media in Kosovo”. However, following the passage of a Press Code in March 2005, this was considered redundant and was deleted from the final version.)

Despite the years of debate, the law exhibits major omissions, weaknesses and flaws. One major omission is the failure to settle the conflict between this and the existing Law on Telecommunications¹⁷⁷, under which broadcasters are subject to the full range of the Telecommunications Regulatory Authority’s regulatory powers including licensing, frequency assignment, and license fee collection. Another omission is that it fails to create clear rules for the participation of the Serb community in the regulatory work. Meanwhile, a major weakness is that several unclear stipulations remained in the texts, including a reference to a yet non-existent “broadcast policy”, which the Council of Europe requested to amend in 2003. Another weakness is that while reference to the IMC’s power to suspend broadcasting licences in case of “emergency situations, including unavoidable dangers of public unrest or other material damage” was deleted from the final text, the law empowers the IMC Council to set fines on RTK if it breaches its own Code of Conduct. This is a very vague formulation and can also lead to abuse, especially given the fact that the Code is 50-pages long. Finally, it is also considered a weak point that the fines collected from broadcasters are not envisaged to be re-channelled into the media sector to serve a positive purpose (i.e. sponsorship of art or cultural production, or training), they will instead be deposited in the government’s budget.

There are many outright flaws as well. Despite the stipulation that the IMC is “independent of any political influence”, the law creates a highly politicised system of appointments for the IMC Council, and gives the parliament a proportionally high role in dismissing members. It could be argued therefore that the law fails to guarantee the IMC’s independence from political forces, and violates the Council of Europe Recommendation 2000/23 on the independence and functions of regulatory authorities for the broadcasting sector. The TMC commented that this law also fails to satisfy the media-related stipulations in the so-called “Kosovo standards” which are necessary to complete before status talks can begin, and has requested several changes to be made before the SRSG promulgates the law. In addition, the law envisages the phasing out of both budget and advertising funds for the RTK (although without a target date), in order to “promote a fair broadcasting competition”, while the IMC Council is given unlimited authority to set the advertising quotas on RTK (while no specific mention is made with regard to commercial channels). It is unfortunate that the RTK-related stipulations were not enshrined in a more elaborate regulation on broadcasting policy. The gloomy

¹⁷⁵ Interview with TMC Anna Di Lellio, in Op. cit. Roques (2003)

¹⁷⁶ Draft IMC legislation, proposed by the Kosovar Parliament’s Committee on Public Services, Local Administration and Media, January 2005

¹⁷⁷ Passed by the Kosovo Parliament in 2002 and promulgated by the SRSG in 2003.

perspective for RTK's funding questions much of the international effort that went into building a genuine public service broadcaster.

4. THE INTERNAL DIMENSION OF MEDIA REFORM

By late 2004, newspapers gradually moved away from hardline vigilante journalism but a considerable number of outlets remained strongly politicised, at times demagogue, seeking to increase polarisation and hatred within society.

The poor quality of Kosovar journalism was initially attributed to two interlocking historical elements – the decade of oppression by Milosevic's regime, and the poor economic conditions which prevented the media's technological and democratic advancement since the 1970s. These two aspects led to the emergence of a handicapped system of societal communication, which, in the late 1990s, emerged embodied in a lack of media ethics and standards, as well as a widespread affinity for applying unprofessional journalistic techniques. Media organisations which started up in the post-conflict period were all excessively politicised as most reporters saw themselves employed to promote a particular political party or viewpoint. As the previous section has analysed, there was little interest in producing original, let alone investigative stories, and the print media commonly engaged in publishing unsubstantiated reports, as well as slander and hate speech.

The journalism profession has had to develop in an environment where due to the political instability and the prevalent legal vacuum, it was initially plagued by the lack of clarity regarding accountability systems and authority structures. But despite the media's serious identity and mandate crisis in the post-conflict period, the abundant donor funding made journalism a popular and privileged profession overnight. There was a substantial demand for journalists, and media organisations could pay double or often triple the salaries of employees at local businesses and Kosovar state institutions (a monthly USD 500 as opposed to 150–200¹⁷⁸).

At the outset, the media community was largely made up of inexperienced journalists. While some leading journalists (mainly *Koha Ditore's* editorial staff) had been trained abroad, the large majority received no training at all. This was true for both the journalists from the "old school" (older journalists who were put out of work during the 1990s), as well as those who belonged to the "new school" (young graduates with no work experience but great enthusiasm). Despite the international efforts to create a university-level journalism programme, by the end of 2004, no such programme had been set up in Kosovo. Thus, aspiring journalists only have access to an overcrowded private course at the local institute *Faik Konica*.

The OSCE and IREX quickly recognised that journalism training was going to be a key condition for any internal media democratisation to begin, and began a mass training of journalists. Overall, donor funds were spent in seven main priority areas:

- a) support for broadcast outlets (both local, regional and K-wide);
- b) assistance for cooperation between and joint programming for radio stations;
- c) support for multi-ethnic media and minority language outlets (including Serbian, Roma, Turkish, Bosniak, etc.);

¹⁷⁸ Media Sustainability Index, IREX, 2001

- d) funds for the distribution of Serbian newspapers;
- e) women's and children's projects;
- f) press clubs, associations, internet centres; and
- g) training projects and conferences.¹⁷⁹

Not necessarily a direct result, but the media gradually spent more time on corruption issues. One well-known story dealt with illegal fuel smuggling on the Kosovo-Montenegro border, which involved a high-ranking KFOR officer as well as police and customs officers, while another revealed large-scale corruption at the internationally-managed Kosovo Electricity Company. Nevertheless, despite the extensive training, the large majority of journalists failed to adopt some basic principles and methods of investigative journalism. Journalists mostly worked with press releases or material they are given at UNMIK or party press conferences, and rarely set the agendas themselves. As a result, newspaper articles resembled opinion pieces as journalists rarely attributed information to sources. On average, only under 2% of all front-page news articles were connected to a named source, while over 60% were based on unnamed sources, often referred to as "own source" or "our investigation suggests".¹⁸⁰

In another negative development, the competition for donor funds has led to a polarisation of the community, and fragmentation across lines of loyalty to various international offices. Instead of organising themselves into one professional association which would develop a widely endorsed code of ethics as well as a self-regulating mechanism, the journalists ended up founding four different associations: the *Federation of Journalists*, the *Association of Economic Journalists*, the *Association of Independent Broadcasters*, and the *Association for Professional Journalists*. For years, these associations showed little interest in taking upon the task of establishing self-regulating mechanisms, which would replace the temporary codes of conduct for the print and broadcast media. Eventually, when journalist associations agreed on a Code of Ethics for the print media March 2005, it was only endorsed by the independent and already relatively professional print outlets, and not those which have caused most headaches for the internationals and in particular, the TMC.

The "Press Code", developed by the *Association for Professional Journalists*, IREX and the OSCE, hopes to be "the foundation of the system of self-regulation that shall be considered morally and professionally binding on reporters, editors and the owners and publishers of newspapers and periodicals." Among others, the code also urges news organisations to "demonstrate transparency in matters of media ownership and management, enabling citizens to ascertain clearly the identity of proprietors and the extent of their economic interests in the media." It also calls on editorial offices to separate between facts and opinions, and obliges journalists to make references to a person's "ethnic group" only when directly relevant to the event being reported. It also formalises the responsibility of media outlets to accord a *right of reply*. Finally, it also includes a ban on accepting "bribes or other inducements which cause a conflict of

¹⁷⁹ For an overview of the main donor organisations, see report entitled "Kosovo Media Assessment" by ARD Inc. (2004: 9-13)

¹⁸⁰ OSCE Media Monitoring reports, 2002 election campaign (prepared originally by the author)

interest with their profession, and which compromise their professional and moral credibility.”¹⁸¹

Despite the adoption of the Code, it is still unknown whether this will be sufficient to encourage the print media to increase the quality of reporting and generally the standards in print media. The Kosovo Standards Implementation Plan, which sets out the actions and policies to reach the standards set out in the document “Standards for Kosovo” published in December 2003 and subsequently endorsed by the UN Security Council, also required the creation of a “multi-ethnic” press council. While the Code envisages the creation of a Press Council which would settle complaints and violations of this Code, media reports were rather pessimistic about the swift setting up of this body.¹⁸²

Professional solidarity was far from emerging in the broadcast segment too, where the IMC debate triggered significant animosity between the journalists working for public service and commercial channels. The commercial broadcasters accused RTK and its workers of having an unfair advantage, and claimed that RTK’s advertising monopoly would push them into bankruptcy.¹⁸³ They also complained that the IMC draft was not sufficiently discussed in public. Meanwhile RTK argued that “a campaign of misinformation and slanderous accusations” had been launched against them, as part of a “dishonest war” in which “some media outlets cannot compete with RTK’s professionalism.”¹⁸⁴ The IMC debate further crystallised the positions of the two communities, and led to a fragmentation in their emerging representative organisations.¹⁸⁵

Throughout the period of review, journalists were more united in relation to problems of isolation, political and economic dependency – and most importantly, safety. As indicated by a 2001 survey by the OSCE, both Albanian and Serb journalists are seriously concerned about the general safety environment. The Kosovo-wide threat assessment survey found that 39% of the respondents have been threatened in some way while investigating stories.¹⁸⁶ For the whole of Kosovo, 19% of those who have been threatened experienced an “explicit threat to their safety”, 10% said they experienced an “implied threat to their safety”, 9% said the threat entailed pressure from local authorities, 9% experienced “interference” while doing their job, while 7% were victims of direct physical attacks. The survey also concluded that Prishtina-based journalists felt more threatened than those in the regions. (While 68% of those in the capital have been threatened, only 26% of those working in the regions have had similar experiences – a figure still unacceptably high.) 46% of threats reported by respondents were believed to be from a public figure, a politician or their representative, 33% from anonymous sources, and in 12% of cases, the threat came from an organized criminal group. 53% of the journalists informed their editor, 22% did not follow up on the threat and only 14%

¹⁸¹ “Press code for Kosovo”, March 2005

¹⁸² “Media spectacle and exaggerated optimism”, Editorial on the Press Code, *Zeri*, March 21, 2005

¹⁸³ Koha Ditore, April 25, 2002, OSCE Media Monitoring Print report, April, 25, 2002

¹⁸⁴ RTK Evening news, OSCE Media Monitoring Broadcast report, April, 24, 2002

¹⁸⁵ For instance, the commercial broadcasters grouped themselves together in the Association of Independent Broadcasters (AMPEK) on USAID advice, excluding RTK journalists.

¹⁸⁶ Conducted by the OSCE Media Department, this survey was carried out on a sample of 75 Albanian and Serbian journalists working in Kosovo. The author took part in the assessment and wrote the final report.

informed the police. 11% informed a member of the International Community. All of these measures, however, do not seem to have helped the situation – 61% of the journalists said their actions bore no fruits.

As a direct consequence, few of the alleged high-profile scandals have been thoroughly investigated and substantiated, and most articles on corruption remained sketchy and often exaggerated.¹⁸⁷ The international critics of the media's practices pointed out that some of this distorted coverage leads to undesired, possibly irreversible consequences for the emerging Kosovar democracy. A USAID survey, for instance, has concluded that "public opinion and discussions in the mass media presume very high levels of public corruption [while] it does not appear that corruption is a pervasive force in the governance process, and it does not appear to significantly undermine the capacity of government to perform its duties and deliver services in a fundamental way."¹⁸⁸

Journalists would in turn point to the lack of relevant laws which would support them. On one memorable occasion, the OSCE's 2001 journalist safety conference was hijacked to talk about the future of the freedom of information law – epitomizing the incapability of the media to hold UNMIK accountable.¹⁸⁹ Media representatives complained that they are not allowed to access official documents, and that they have been "advised" to cease investigations by UN officials. They were also critical of the 2003 Freedom of Information Law, which failed to list the UN authority amongst the institutions to be considered governmental and thus accountable to the public and to the media.¹⁹⁰ Journalists complained that despite the law, access to public information continues to depend on the quality of connections that journalists cultivate, and sources often demand anonymity to provide information.¹⁹¹

However, many UN officials recognised that it should have been in UNMIK's interest to facilitate the media's work in this regard, as according to popular belief, corruption is present within most governmental functions and institutions but most pervasive in customs, public procurement, the energy sector, telecommunications (i.e., the Kosovo Post Office), healthcare, education, municipal services, the justice system, and NGOs.¹⁹² Even UNMIK's prestige has been impaired by the emergence of facts pointing to fraud and embezzlement at international-administered organisations such as the Prishtina municipality, the University of Prishtina as well as at the Kosovo Electricity Company. USAID concluded that "the UNMIK administration has been a

¹⁸⁷ Gani Bobi research (2002) and USAID (2003): Corruption in Kosovo: Observations and Implications for USAID, Final report, 2003

¹⁸⁸ Op. cit. USAID (2003: 2)

¹⁸⁹ In the OSCE's journalist safety survey (2001), journalists named the following areas as those which would benefit from investigation (in order of mentions): corruption, political life, economic crime, drug trafficking and organised crime. When asked what would help journalists to investigate more safely, these issues were considered most crucial: introduce laws to protect journalists, ensure freedom of movement (mentioned by Serb journalists only), improve the general security situation, freedom of expression, a more efficient police force and higher salaries. Support from editors and the society-at-large as well as increased transparency of institutions were also marked. Source: Internal OSCE document, on file with author

¹⁹⁰ UNMIK regulation no. 2003/32 on the "Promulgation of a law adopted by the Assembly of Kosovo on Access to Official Documents", November 6, 2003

¹⁹¹ Media Sustainability Index 2003, IREX, published in July 2004

¹⁹² Op. cit. USAID (2003: 28)

poor role model for the Kosovars when it comes to transparency and accountability. It has created a situation where the *appearance* of impropriety has become more potent than perhaps the actual occurrence of corruption within the UNMIK administration.”¹⁹³

At the same time, other UN officials argued that the local media cannot have a limitless access to UN-administered information, and cannot perceive every incident of delay or non-cooperation by the UN authority as a violation of the right to public documents (which they do, more and more vocally). For the UN to be efficient, most of its communication with the public must be done through a clear public information system, with strict internal rules and hierarchy. If journalists undermine the public information operation, their work could contribute to a deterioration of the organisations’ efficiency and prestige. Despite that, it has become a common place that the Kosovo media attacks the internationals and characterises them as “authoritarian” in both their handling of media affairs and providing information regarding matters of public concern.

There were also a few success stories in the Kosovar media. RTK’s elaborate Code of Ethics, developed in 2004, provides a comprehensive guidebook to the operation of journalists in a professional and politically independent media environment. The 50-page document covers every aspect of reporting work, including fact-checking options, language quality, ways to balance information, the use of exit polls during election campaigns, investigative journalism techniques (such as the use of library material), the appropriate attribution of quotes to sources and many others. Also, in off-election periods, there been an improvement in the relations with the TMC, and more and more outlets started using the right of reply when a complaint was made. By the end of 2003, all newspapers were more willing to publish corrections and replies sent to editors. In addition, the high overall number of complaints suggested that the TMC was increasingly viewed as a complaint-driven mediator, and not as a media ministry, as feared earlier. (During elections, however, tensions remain between the politically-connected parties and the TMC.)

Overall, while the media’s contribution to creating a more informed public and policy sphere has to be acknowledged, it should also be pointed out that some internal deficiencies have created possibly long-term defects for the overall reform dynamic. By 2003, it became widely noted that journalism is a highly dangerous profession, and journalists are not compensated enough for the risks they are required to take. (During the first five years, there was a wide disparity between the salaries of Kosovar journalists and locals working for international organisations.) In addition, the excessive and uncoordinated distribution of international funds has led to strong donor dependence. It is feared that once the donor funds are pulled out, politicians and oligarchs will dominate the scene, and Kosovo’s media landscape will be transformed into one similar to Ukraine.

¹⁹³ Op. cit. USAID (2003: 36)

5. CONCLUSION

Together with all its democratic institutions, Kosovo's media landscape has been created with overwhelming international assistance. However, this assistance has been complicated by the difficult political and social conditions, and the lack of a unified approach between the international partners. As this research project concludes, Kosovo's media outlets are still not well-managed businesses and remain donor-dependent. In 2004, Kosovo's media system was rated in the lower echelons of "near sustainability" by IREX, along with Serbia, Montenegro, Macedonia, Bosnia and Herzegovina, and Albania.¹⁹⁴

The case study has illustrated that increased state regulation of the media has been justified in a post-conflict environment, where enmities are easily inflamed, rule of law is fragile, and the judicial system is in its infancy. However, it also showed that the media regulator could not curb the media's power to diffuse hateful content, and could not prevent the media's participation in the inter-ethnic violence of March 2004. Also, many media outlets continue to exhibit low levels of professionalism, ignore copyright rules, produce unsubstantiated news and rely on political parties for support. The culture of investigative journalism has been slow to emerge. On a positive note, however, the K-Albanian media scene has developed a plurality of outlets, and the majority of news sources (counting both broadcast and print) are independent and relatively professional.

During the entire period under review, the official UNMIK policy was to encourage Serb returns, and to establish a multi-ethnic state. The media democratisation mandate had two essential dimensions – the first task was to establish a strong Albanian-language media system, and the second to create an overall media system which effectively represents all ethnic communities and interests. Unfortunately, these two issues were not given the same amount of attention, and the internationals hoped that by creating a multi-ethnic public service broadcaster (RTK) they would achieve both core objectives at one time. Overall, the emphasis was placed on developing an Albanian-language media system, despite the fact that it was never going to be viable unless the foundations for co-existence are laid through addressing the second challenge.

Establishing separate media systems for the two main ethnic communities would have initially led to largely isolated and separate media spheres, but it was argued here that this arrangement could have contributed to facilitating co-existence between Albanians and Serbs by giving both communities psychological support, points of identification and mediated fora to discuss local issues. UNMIK's attempts to create an even more ambitious, integrated multi-ethnic media-system were implemented despite the failure of many multi-ethnic projects such as mixed educational institutions, health care services and a multi-ethnic police force, and the growing scepticism about the establishment of a multi-ethnic society.¹⁹⁵ All in all, the Kosovo media democratisation policy has been out of step with the societal realities – it was more progressive than what the society was willing to accept.

On the ground, there was a strong public and expert support for both the European-style social democratic theory and the US-style libertarian theory. However,

¹⁹⁴ Media Sustainability Index 2003, IREX, published in July 2004

¹⁹⁵ See for instance the 2004 annual report by the Kosovo Ombudsperson, Mark A. Nowicki, July 2004

instead of aiming for a consensus solution, the internationals went separate ways, following their respective convictions. They repeatedly clashed with locals on many issues of media regulation, and were internally divided over some basic conceptual issues, including the *raison d'être* of public service broadcasting. The competition between the internationals could have been avoided had the local US office not perceived libertarian media ideals as "the norm" during the implementation of its democratisation programme.¹⁹⁶

Given that across the Southeast European region, the prospect of European Union accession (or strengthening ties with the EU) is a key catalyst for economic and democratic reform, the US assistance for Kosovo's media democratisation should have been conceived in a manner supporting the reforms advocated by Kosovo's European partners. Also, the divided Kosovar society could have been a fertile ground for a consistent extension of the consociational power-sharing model to the media sphere. At the same time, the need for egalitarian political and social systems, the degree of economic deprivation and poverty, as well as the traumas of the conflict would have been more appropriately addressed through the comprehensive application of selected elements of the social democratic model. While no European model could have been transplanted directly, the internationals should have worked toward the development of a "third-route" model for Kosovo.

It is suggested here that – similarly to the proposed "transitional model" in Hungary – one such possibility could have involved the assignment of different roles for different media segments. By allowing the print media to accommodate politically-associated newspapers, the development assistance theory in this segment would have created more transparency for the media community regarding their roles and mandates – in both the politicised and the independent sector – and therefore could have advanced their professionalisation. Despite the fact that the best European practices do allow the print media to have a distinct political leaning, this was treated with disproportionate strictness by the international regulators in Kosovo, so much so that in the last elections (2004), two newspapers (*Bota Sot* and *Pavaresia*) were fined a fatal 144,000 euros (in total) for violating the "fair and equitable" requirement.¹⁹⁷ While the international offices spent most of their energy on fighting the indigenous support for the development assistance model, their attention escaped the increasing development of an informal *lotizzazione* among the national television channels.

Given the scale of the democratisation exercise, and the multiplicity of international perspectives and mandates with regard to media development in Kosovo, the failures of some aspects of the reform might be considered natural. The reform of media structures has had challenging political, legal and economic dimensions, and has required support from a large number of stakeholders. The political situation in Kosovo has been characterised by extensive democratic deficits, and the current multi-ethnic structure does not seem sustainable. One reason for the failure of the media policy could

¹⁹⁶ Even the German Marshall Fund (GMFUS) stressed on several occasions that "US assistance agencies and their implementing partners must understand that while some elements of US experience with democracy and the market economy are transferable, the interplay among civil society, government, the private sector, and the media in the United States is probably not directly transferable to these societies." See for instance, "Future directions for US assistance in Southeastern Europe", Report by the German Marshall Fund of the United States, February 2001, pp. 11.

¹⁹⁷ Kosovo newspapers, May 10, 2005

thus be the very political soil that it was conceived in. No constructive media policy can be designed in a country where the basic institutions of democracy are not endorsed by the society and their representatives, and where the power-sharing idea on the political level does not match its arrangements for the societal level.

Another reason why the conclusions are so negative might be that the time-frame for the assessment has been very short. Five years is a very limited time to achieve results in an area of democratisation where both institutions and cultures need to be reinvented and reinterpreted. The import of democratic institutional and cultural solutions on such a large scale is an unprecedented endeavour, and its evaluation might be more successful after the process reaches a consolidation phase, or at least a few years after the agreement on Kosovo's "final status".

CHAPTER VI.

CONCLUSION

After the collapse of communism, the media sector's structural organisation and societal function dramatically changed, and media coverage of matters of public concern improved across the region. However, in most countries, the media reform process has proved to be a significant challenge, and the large majority of the region's governments have been criticised by the West for failing to create a favourable enabling environment for media democratisation. This thesis has been trying to find out why and how the various governments have applied pressure on the new media systems, and what impact intervention "from above" has had on the democratic development of societal communication. Case studies of Hungary, Ukraine and Kosovo were chosen as part of a "most different systems" analysis, which facilitated the understanding of country-specific and regional problems.

The work began with the examination of the political thought regarding the media's perceived positive and negative influences on societal developments and the state of democracy. After a review of the relevant literature on democratic theory and mass communication theory, it was concluded that the most conducive methodology would be a policy studies perspective, and that the research would be guided by four different normative media models. The central hypothesis was that the identification of these basic media models (or lack thereof) within the complex media reform process would lead to an understanding of the basic characteristics of the new media systems, as well as the underlying principles guiding policy reform. It was also hoped that this approach would help to dissect the anatomy of political and societal conflicts arising from incompatible ways of theoretical conceptualisation and argumentation.

Our three focus countries belonged to different historical-cultural regions of Europe, with contrasting transition paths since 1990. While the Hungarian economic and societal climate has been relatively conducive for democratic transition, the political transformations in Ukraine and Kosovo have been challenged by linguistic, ethnic, and cultural heterogeneity, as well as weak economic performance. Despite the differences, many similar impediments could be identified throughout the work, which suggests that certain problem areas are generic.

The studies showed that significant political parallelism developed between the media and political parties in all three countries – this trend could thus be considered an unavoidable dimension of any political elite driven transition. While, to different degrees, broadcast media systems were attempted to be reformed according to the social democratic model (with the exception of Ukraine), these reforms were not fully successful, due to a multiplicity of reasons which included weaknesses in the economic enabling environment, the lack of commitment on behalf of political elites, or in Kosovo's case, the complicated social-political environment.

System-changing elites considered liberalisation the first priority in every country where media reform began. However, the ensuing theoretical vacuum regarding

the most appropriate media system led to the conceptualisation of media reform as "a la carte", leaving it vulnerable to manipulation by the reforming elites. Even in Hungary and Kosovo, where there was clear democratic commitment to reform, a major source of conflict has been the fact that no widely accepted definition emerged over the definition of the "public interest" and its media representation – leading to continued political interventionism, and at places, the emergence of authoritarian tendencies.

Let us now briefly summarize the main country-specific findings. In Ukraine, President Kuchma built up a regime in which a handful of financial and political groups have acquired an estimated 95% of all media outlets. With the Western-inspired, ambitious legal framework mostly ignored or manipulated to further political and business interests, Ukraine's post-Soviet media system has been a unique version of the authoritarian model where state interference and financial dependence on oligarchs have entirely subordinated the media. Therefore, the media continues to be highly politicised and coercive, failing to offer a pluralism of ideas, and a genuine, sustainable diversity. Numerous press freedom violations have been documented over the years – among them the murder of prominent journalists and a massive number of libel suits which have threatened the survival of independent and professional media enterprises. There is also a profound lack of transparency and openness in government, despite promises to guarantee the right of access to official information.

Due to the authorities' attempts to marginalize the non-state press, the fragmented anti-Kuchma opposition developed relatively few ties to the political media, and the number of party-independent quality newspapers and broadcast outlets is very low. One explanation for Ukraine's blatant failure in the media field might be that Ukraine lacks a democratic political culture and tradition which would have prepared political elites and the civil society for the successful negotiation of the media reform process. As the Hungarian case showed, no media reform can begin without the insistent and organised effort of a democratically-minded group of elites or civil society representatives, which would drive democratic change from below. It seems that throughout the entire period of review, Ukraine was *at best* in a stage of gathering these democratic forces to join together – a period which took decades in both Hungary, Poland and the rest of the advanced region.

As the case of Hungary showed, better initial conditions, a stronger civil society and political culture, a more conducive economic climate, and a stronger democratic commitment could provide a good starting point, but this may not be enough to guarantee a smooth journey through the hurdles of media reform. Every step in the process – if not conducted in a transparent manner, with societal and political consensus – might prompt rival political elites to design "correctional" policies, which, if implemented through public funds, will further increase the tension that is already inherent in this sensitive area of reform. Here, a considerable number of political elites – as well as journalists – put forward arguments for state-subordinated loyal media structures, both in print and broadcast media which, they argued, would democratise the sector. The study concluded that while some of the right-wing "correctional" arguments in the print media may have been justified, the failure of all successive governments to ease the political dependence of the public service broadcaster added an authoritarian flavour to the originally development assistance-fashioned argument.

Intellectual elites predominantly argued for the application of the libertarian and social democratic models, but there was only limited consensus about the methods through which to operationalise them, and ultimately about the efficiency and usefulness of the ideas they represent. The print media system exhibited signs of both strong and partial political parallelism, while there was only limited clarity about the actual degree of political connectedness. The fight for print media influence spilled over to the broadcast sector, which, the 1996 law left vulnerable to discretionary political interference. Overall, the Hungarian public service broadcaster has not been reorganised to perform its intended social and cultural functions, and the interventionist policies by all Hungarian governments seem to have been designed to serve party, rather than societal interests. Also, the political conflicts largely annihilated the potential of any consensus-seeking debate on a long-lasting, non-politically managed system of media support. The media reform process has led to the emergence of an ideologically divided, excessively politicised societal realm.

Meanwhile, Kosovo's media landscape was developed with overwhelming international assistance, and the tendencies to build partisan structures of any kind were discouraged and even punished by the governing internationals. Kosovar media outlets remain donor-dependent, and the scarcity of financial resources has resulted in a fairly unprofessional media system, which has failed to build up the prowess to set its own agendas (at least compared to Hungary). The media democratisation process has mainly focused on encouraging diversity, regulating the extent of emotional reporting, and seeking to limit the subordination of the media to political power struggles. One of the main findings of the Kosovo case study (similarly to the Ukrainian) was that without strong economic enabling conditions, the media market would never be sustainable and independent of the political sphere.

The international "democracy assistants" repeatedly clashed with locals on many issues of media regulation, and were divided internally over some basic conceptual issues, including the *raison d'être* of public service broadcasting. The drafting process of a major media law text aptly represented the competitiveness between diverging media models within one country, or media system, and highlighted the key differences between proponents of the libertarian and social democratic theories. The progress towards adopting a new legal regulatory framework has been slow, and the failure to clarify Kosovo's future political direction and to create efficient power-sharing political structures left their mark on the media reform process, especially with regard to the needs of the Serbian community.

The development of pluralistic media structures has produced both conducive and detrimental results in all three countries. Generally, there was a high degree of media diversity, but political newspaper penetration levels have significantly dropped since the beginning of transition. In all three cases, a pluralistic structure did develop through liberalisation and/ or the privatisation of the state-controlled media sector (to different degrees though), but government policies (in Hungary and even more so in Ukraine) failed to put in place comprehensive mechanisms which would protect media markets from concentration. The authorities in all three countries have signed up to safeguard a multiplicity of media freedom principles but failed to fully satisfy them, with Ukraine producing the worst results.

The case studies also confirmed the argument that liberalisation alone leads to the emergence of oligarchic structures, and an increasingly restricted cultural diversity, as shown by the example Ukraine. The "liberalisation without democratisation" policy created an environment where severe restrictions emerged on the editorial integrity of the media – particularly in terms of their ability to investigate and criticise corporate power. The difference in the source of capital between Hungary and Ukraine (mostly foreign capital in Hungary, and local in Ukraine) showed that the emergence of a dominant local oligarchic structure is more destructive than the effects of globalisation, as oligarchs have a vested interest in controlling domestic politics.

The empirical evidence also showed that arguments in favour of the libertarian and development assistance models were widespread. The libertarian argument was mostly characteristic of the Kosovar context, given the strong American advocates of limited state involvement in media affairs. Meanwhile, the ideas and values enshrined in the social democratic model were popular but failed to generate the necessary critical mass in terms of support. As a result, while deregulation and liberalisation were conducted (although to different degrees), the reforming elites failed to complete the democratisation effort. The biggest failing in the Hungarian and Kosovar cases was the failure to make the public service broadcasters fully independent of political elites, while in Ukraine, the more fundamental problem was the lack of commitment to even embark on the transformation of the old state broadcaster.

It is, of course, not surprising that the creation of a large scale, high quality public service operation (and thus the implementation of the social democratic model) has proved to be difficult. It is a relatively expensive model, and puts a burden on the budgets of all, even advanced Western European countries. The Western European experience shows that only developed markets – such as Germany and the Scandinavian countries – can afford to have strong and efficient public service broadcasters. Beyond the affordability claim, it seems that solid backing for a social democratic model only emerges in a more mature stage of democratic development, following years of negotiations and societal debate on issues of media democratisation. It can only be successful if it receives both bottom-up societal support, and a strong parliamentary consensus. Even in more democratically advanced countries, laws may be passed to create such a system, but implementation is in the hands of the elites, and civil societies need to be active and strong to push for the creation and maintenance of a sustainable arrangement.

The analysis of three countries in different stages of development has confirmed the theory that the more the social democratic principles are applied, the more the new media system would be democratic and guarantee the application of the central communication values. It also partly confirmed the central methodological hypothesis that the proposed "Four theories" can provide an efficient framework for the analysis of media reform in post-communist transition. However, here "partly" is the operational term. As it was somewhat expected, this approach *did* prove to be more applicable and useful in some countries more than in others. In the case of Hungary and Kosovo, it was easier to identify developments according this framework, and the application of these theories did clarify some key issues. In the Hungary study for instance the biggest achievement was to have been able to assess the "media equilibrium" policy in an objective and independent manner, and avoid the trap of calling it "anti-democratic" just

because it does not easily fit into the traditional social democratic or libertarian frameworks. Meanwhile, in Kosovo, many of the policy developments would have been impossible to understand without knowing the background of the different policy entrepreneurs.

In relation to the Ukraine study, however we have to conclude that the "Four theories" framework was not very useful, as very few reform measures could be categorised according to the open models. In this case, it is thus also difficult to provide policy recommendations regarding the appropriate balance of the models. However, the failure to find clear traces of these models has been informative, and seems to be in correlation with the degree of reform that has been achieved – suggesting that studies conducted with a "Four theories" approach could be indicative of the advancement of the media democratisation process, and the quality of the relevant debate in a given country. Risking extreme simplification, we can also posit that the fewer open models can be identified, the more likely it is that – despite the changes which occurred in the redistribution of wealth – the political system as a whole remains authoritarian.

The second hypothesis of the thesis was that destructive political interference can be identified in all post-communist transitions, irrespective of the state or method of media democratisation. In Ukraine, interference proved to be an essential and confessed ingredient of exercising political power, so this point is better illustrated through the case studies of Hungary and Kosovo, where the subordination of the media was more subtle and hidden. These two cases have illustrated that even in countries where political elites condemn all means of oppression (and probably mean it), they still revert to such means in order to further party-specific goals. The temptation that the media's symbolic powers create for political actors in an era of self-definition and party consolidation has proved difficult to fight.

To a different extent, but in all three cases, the media-political conflict did not occur solely because of the initial conditions, or the lack of competence by elites, rather it was the result of calculated political efforts to consolidate political power. It was also illustrated that political elites who favoured the development of increased political parallelism were discouraged from promoting a transparent media-political relationship as that was perceived non-democratic and thus unacceptable by the wider society. The power struggles over the media have led toward the fragmentation and atomisation of these fragile societies, and the mistakes which have been made for short-sighted political ends might take several decades, or even longer, to eventually correct.

As I argued in the Theory chapter, due to the very difficult starting conditions, the simultaneity of economic, societal and political change, the weakness of civil societies, political cultures, and initially the rule of law, it is crucial that the media reform process is conducted as part of a larger discussion on the public good, and future visions of society. It therefore needs to be inclusive and transparent. The process also requires patience and a gradual approach, and if political elites aim for an immediate transition to implement the "highest standards" or the "best European practices", that might further impede the process. Following this logic, the third hypothesis has been that the more a process lacks strategy, the less chance there is for media reform to unfold without major societal frictions. Strategy has referred to two things – a systemic approach to allocating roles and functions to various media segments, and a consensus-seeking approach by political elites, where the interests of society are placed higher than

direct political party or business interests. Meanwhile, closely associated with this has been the concept of transparency, particularly with regard to upholding the rule of law, the clearness of the above mentioned strategy to all stakeholders, and the general openness about institutionalised links of political parallelism (if any).

This issue of transparency proved to be complicated in all three cases, be it about ownership or informal links between political parties and media outlets. It was however most problematic in the case of Ukraine, where the issue of transparency did not even seem to emerge as a problem for the large majority of the journalistic community. Instead, oligarchic ownership patterns and political servilism was a *fait accompli*, which few journalists seem to have wanted to fight. Strategy seems to have been problematic in all three cases as the only real pronounced target was the creation of a "free and democratic" media system, and little intellectual and political energy was spent on designing models which could be most suited to the specific needs of post-communist transition. This is probably strongly connected to the failure on behalf of political parties to create better relations with electorates which would have facilitated discussion on the possible benefits of institutionalised and transparent links between political parties and the media.

The hypothesis, however, failed in a sense that there seemed to be no direct correlation between the degree of strategy and the societal tension caused by the process of media reform. Had the hypothesis been confirmed, there should have been less societal friction in Hungary than in Ukraine or Kosovo, but this is not at all the case. In fact in the Hungarian case, the lack of consensus over the media's democratic functions and organisational structures has probably caused more damage than the actual political interference itself. Given that this is very difficult to measure, and the data generated in this thesis fails to prove it, this remains an intuitive remark. Also, perhaps it is more conducive to think about societal frictions as having both a negative and positive dimension – the negative being its divisional influence, but the positive being the debate and the engagement of civil society during this most important period.

Because of the global trends in liberalisation and commercialisation during this democratic transition, the relationship between political elites and the media changed too suddenly and too radically to occur smoothly. One main tension generator was the fact that in countries where there was a will to democratise, the media community was given too much responsibility too fast to be able to live up to all perceived and real responsibilities. In other words, it was given legal and moral support mechanisms to fight for "full independence" from the political system, but it was not ready to assume this role in terms of its level of professionalisation. As this thesis has argued, a transitional period could thus be considered to create structures which would restrict to the minimum the tensions which arise from the changing media-political relationship.

At the outset of this thesis, we assumed that political parallelism should not be treated as an automatically negative concept for post-communist countries, but rather like an unavoidable development. As a result, we argued, the analysis should focus more on how parallelism emerges and is maintained, in other words, on whether it is financed in a transparent manner or through covert means. The Hungarian case illustrated that any kind of political parallelism in the print media could backfire on elites, and could lead to disenchantment within the publics. It therefore might be more conducive from the beginning to encourage policy-makers to work with different

conceptualisations for the different segments of the media, and thus apply a more "systemic" view to resolving the challenges of the new media-political relationship. What we need is clear guidelines and flexible foundations, and which may both inspire and follow change in political power-relations.

As the Hungary chapter discussed, through the creation of a "transitional model" political elites might be able to resolve some issues related to political parallelism, and better focus reforms and determine priorities. In particular, post-communist elites could strive for a systemic model in which the broadcast segment according to the social democratic concept (as expected) and the print realm is structured largely according to the development assistance model. While allowing for both market-based competition (and thus the emergence of independent publications) and openly political newspapers, this arrangement would concentrate power struggles between political parties in a print space which is not as dominant and controlling as television. It would also create a media system which is transparent and pluralistic in terms of political party representation. This arrangement would create a more viable environment for public service broadcasters as it would push political power wars outside of broadcast studios. It would also provide a clear framework for a new system of societal participation and representation in the new policy sphere, and satisfy political party needs to directly communicate with publics.

Even though this systemic arrangement would give political elites the flexibility to apply different reform methods within the two segments, it is recognised that it is a controversial proposition, as it implies that "media freedom" and democratisation contradict each other during transition. However, it does hold advantages as it would eradicate the subtlety and non-transparency which has created much suspicion and cynicism in societies about the functioning of the media. It would also create a stronger relationship between voters and political parties and put parties more into the spotlight, forcing them to deliver on their pledges. With regard to the overall quality of the political debate, it could thus have positive effects.

By the creation of openly political media outlets, independent outlets can offer a real alternative, they can be identified in relation to outlets which apply a different philosophy altogether – as a result of which people will have a real choice between independent and party-oriented media. The existence of independent newspapers in this model would guarantee that there is a quality competition between the newspapers, and would not necessarily mean that the politically-aligned papers develop radical language and content. In theory, this model would also be complemented by a social democratic element, in the form of state-funded, politics-neutral support schemes for marginal publications.

This systemic arrangement could also help to address the imbalances which are created in all post-communist countries during the time of system-change. The increasing commercialism, the negativity in political campaigning, and the fact that the more adversarial journalism roles seems to dominate (i.e. watchdog and advocacy functions, as opposed to more constructive and inclusive, "civic journalism" roles), also suggest that some sort of transitional model could be conducive to create a more positive and constructive relationship between the political system and society. By default, the adversarial position of the media worked largely against the potential of

powerful political-civic alliances, which could have been crucial during post-communist transition.

Before we go any further, it needs to be reiterated that this transitional idea is based on the specific Hungarian experience only, and remains a highly hypothetical suggestion. Given the "what-if" nature of the proposition, it is impossible to test whether it would have worked, while further theoretical elaboration would be necessary to see whether it could be applicable in earlier stages of democratic transition elsewhere. It was however suggested that it may also prove useful in the Kosovo case, at least in a sense that it might change the international perception that the political orientation of the print media causes as much harm as it was believed. This transition model would alleviate pressure on the partisan press to have to comply with, among others, strict "fair and equitable coverage" regulations.

In continuing with the potentially positive aspects of applying the development assistance model in the print segment, we would have to note that the emergence of openly political media outlets would not necessarily lead to a deterioration of quality. The modernisation of the overall media environment is general – the emergence of independent, market-based outlets – would raise the standards in the political press as well, making it impossible to return to the old political communication styles of the 1980s. In a democratising society, voters increasingly demand high-quality information and analysis, therefore the political-party connected media could give parties a chance to exhibit their intellectual ambition (or even desire for independent coverage), while at the same time, it could provide a direct communication channel to conduct a dialogue with citizens.

Politically-connected papers could therefore serve both as the main point of connection with political parties, and as the location of information archives. The most recent developments in setting up political party internet websites, seem to confirm the assumption that politicians would not automatically "abuse" this opportunity. After a review of all existing Hungarian party websites, we can state that all main party websites contain civilised language, while most of them even seek to be inclusive, universal portals to information, as opposed to acting as radical propaganda channels.

However, what the application of this model would certainly do is confuse the most widely accepted definition of journalistic professionalism. While there are stark differences between the presentation and organisation of news in the US and European systems, in both the libertarian and social democratic traditions, professionalism is based on the journalist's capacity to collect and transmit information in an independent and responsible manner. Education, intelligence and commitment to reporting the facts are basic values, while "pure" advocacy journalism is no longer considered a respected form of practicing this vocation.

We could see in these case studies that the directional development of professionalism seems to have been influenced by different variables in the different countries, and the co-existence of conceptually different "schools" of journalism contributed to the tensions experienced within the media reform process. The "independent" journalists looked down on those practicing advocacy journalism, and *vice versa*, while neither group acknowledged the value that other group was adding to the dialogue.

In reality, journalistic professionalisation was complicated for other reasons too. In Ukraine, journalists were forced to take sides mainly for economic reasons, while in Kosovo, they served parties because of their natural, psychological linkage with the revolutionary elites. In Hungary, there was a significant number of partisan journalists *by default*, while many developed partisanship after having accepted the insistence of political elites (and mainly the right-wing) that no objective and impartial reporting exists. In both Kosovo and Ukraine, media outlets continue to ignore copyright rules, produce unsubstantiated news and practice self-censorship according to the interests of their owners or supporters. The culture of investigative journalism has been slow to emerge due to the lack of a supporting legal environment and the lack of skills. Journalistic associations have mushroomed in all three countries, but there is limited professional solidarity across the board.

The transitional model would resolve neither of the problems generated by the weak economic enabling environment, or the abuses carried out by political elites. But what it *could* do in more economically and democratically advanced countries is that it could make journalists more aware of systemic issues, and lead them toward interpreting their own roles in a more clear and positive manner. The exercise could contribute to the overall transparency of the way the media system functions, and could thus bring about an improvement in the relations between different journalistic camps.

Finally, we may conclude from this thesis that there was a difference between the three cases as to which basic ingredients were missing – in Hungary the missing element was a clear model/ theory, in Ukraine it was a political commitment to reform, while in Kosovo, it was the stable social-political environment. But even more crucially, the research showed that the redistribution of political, economic and cultural power during the initial years of transition has a determining influence on the prospects of reform, implying that in order to be able to think about media reform, we may need to lower our expectations of system-change. For media reform to be successful, it may not be conducive to set ambitious short-term benchmarks regarding full political and economic independence, but instead we might consider creating concrete models to guide media democratisation.

The Kosovo study showed that despite the negative findings, targeted financial aid for media development and regulatory reform can dramatically improve the enabling conditions for an underdeveloped media landscape. However, it was also clear that any Western assistance can only be successful if there is consensus between donors (and between donors and the locals) on the priorities and the methodologies. If designed in consultation with local elites and civil societies, well-administered Western aid can facilitate both a top-down and bottom-up support for media democratisation, and can eliminate some of the financial burden on the reform process. In the context of the struggling democracies of the post-communist region, the power of a committed Western involvement (irrespective of its timing) should thus not be underestimated. It is in the European Union's interest to assist these societies so that they can cleanse themselves of old, incompetent elites, of governmental mismanagement and corruption, so that they can begin a civilised dialogue on the difficulties of transition, while maintaining their stamina and dignity throughout.

BIBLIOGRAPHY

- Ágh, A. (1991): Political culture as a dimension of systemic change, Budapest University of Economics, Budapest Papers on Democratic Transition, No. 10
- Ágh, A. (1992a): Dialogue between politics and society, Budapest University of Economics, Budapest Papers on Democratic Transition, No. 15
- Ágh, A. (1992b): Kulturkampf and media war, Budapest University of Economics, Budapest Papers on Democratic Transition, No. 20
- Ágh, A. (1993a): Basic democratic values and political realities in East Central Europe, Budapest University of Economics, Budapest Papers on Democratic Transition, No. 70
- Ágh, A. (1993b): From nomenclature to clientele – The emergence of new political elites in East Central Europe, Budapest University of Economics, Budapest Papers on Democratic Transition, No. 68
- Ágh, A. (1993c): Public politics, Budapest University of Economics, Budapest Papers on Democratic Transition, No. 22
- Ágh, A. (1993d): The social and political actors of democratic transition, Budapest University of Economics, Budapest Papers on Democratic Transition, No. 75
- Ágh, A. (ed.) (1994): The first steps. The emergence of East Central European parliaments, Hungarian Center for Democratic Studies
- Ágh, A. & Kurtán, S. (eds.) (1995): The first parliament. Democratisation and Europeanisation in Hungary, Hungarian Centre for Democratic Studies
- Ágh, A. & Ilonszki, G. (eds.) (1996): The second steps. Parliaments and organised interests. Hungarian Center for Democratic Studies
- Ágh, A. (1998): The Politics of Central Europe, Sage, 1998
- Almond, G.A (1990): A discipline divided. Schools and sects in political science, Sage, London
- Almond, G.A. & Verba, S. (1963): The civic culture. Political attitudes and democracy in five nations, Princeton Univ. Press, 1963
- Almond, G.A. & Verba, S. (1990): The civic culture revisited, Little, Brown and Company, Boston and Toronto, 1990
- Althedie, D.L. (1976): Creating reality, Sage, 1976
- Althedie, D.L. (1985): Media Power, Sage, London, 1985
- Anderson, J.A. & Meyer, T.P. (1988): Mediated communication. A social action perspective, Sage, 1988
- Androunas, E. (1993): Soviet media in transition, Westport, CT: Praeger, 1993
- ARD Inc. (2004): Kosovo Media Assessment, Final report, commissioned by USAID, March 2004, available at http://www.usaid.gov/missions/kosovo/pdf/Kosovo_Media_Assessment.pdf
- Argejő, É. (ed.) (1998): The book of meanings (Jelentések könyve), Új Mandátum
- Baán, L. (1995): Culture and politics: Cultural policy in post-1989 Hungary, in Király, B. & Bozóki, A. (eds.) Lawful revolution in Hungary 1989–1994, Columbia University Press, 1995
- Bajomi-Lázár, P. (2001): The Hungarian media war, Új Mandátum, 2001
- Bajomi-Lázár, P. & Hegedüs, I. (eds.) (2001): Media and politics, Új Mandátum, 2001

- Bajomi-Lázár, P. (2003): Freedom of the media in Hungary. Unpublished PhD thesis. Central European University, 2003
- Baker, P.J. & Koessel, K.J. (2001): Measuring "Polyarchy Plus": Tracking the quality of democratisation in Eastern Europe, 1992–2000, Prepared for presentation at the Annual Meeting of the American Political Science Association, Aug. 30–Sept. 2, 2001, San Francisco, US
- Balcerowicz, L. (1995): Socialism, capitalism, transition, Central European University Press, 1995
- Ball, Terence (1988): Transforming political discourse. Political theory and conceptual history, Basil Blackwell, Oxford
- Ball-Rokeach, S.J. (1998): A theory of media power and a theory of media use: Different stories, questions, and ways of thinking, *Mass Communication and Society*, 1998/1
- Barendt, E. (1993): Broadcasting law. A comparative study, Clarendon Press, Oxford, 1993
- Baudrillard, J. (1988): Selected writings, Stanford University Press, 1988
- Bayer, J. & Gálik, M. (2002): Building markets in newspaper and magazine publishing in Hungary in the 1990s: the Case of Axel Springer–Budapest Ltd. and Axel Springer–Magyarország Ltd.
- Benhabib, S. (1996): Toward a deliberative model of democratic legitimacy, in Benhabib, S. (ed.): Democracy and difference. Contesting the boundaries of the political, Princeton University Press, 1996, pp. 67–95
- Bennett, L.W. (1988): News: The politics of illusion. New York: Longman, 1988
- Bennett, L.W. (1990): Toward a theory of press-state relations in the United States, *Journal of Communication*, 40(2), Spring, 103–125
- Bennett, L.W. (1998): The media and democratic development: The social basis of political communication, in O'Neil, P. (ed.): Communicating democracy. The media and political transitions, 1998, pp. 195–209
- Bennett, L.W. & Entman R.M. (eds.) (2001): Mediated politics. Communication on the future of democracy, Cambridge University Press, 2001
- Bennett, L.W. & Entman R.M. (2001): Mediated politics: An introduction, in Bennett, L.W. & Entman R.M. (eds.) (2001): Mediated politics. Communication on the future of democracy, Cambridge University Press, 2001, pp. 1–33
- Bennett, L.W. et al (2004): Managing the public sphere: Journalistic construction of the great globalisation debate, *Journal of Communication*, September 2004
- Bieber, F. (2004): Power sharing as ethnic representation in post-conflict societies, in Pippidi, A. & Krastev, I. (eds.): Nationalism after communism. Lessons learned, Central European University Press, 2004, pp. 231–249
- Bihun, Y. (1998): TV broadcaster and polling organization help Ukraine's citizens learn about themselves, *The Ukrainian Weekly*, October 11, 1998
- Birch, S. (2000): Elections and democratisation in Ukraine, Basingstoke and London: Macmillan, 2000
- Blumler, J. G. & Gurevitch, M. (1995): The crisis of public communication, Routledge, 1995
- Boggs, C. (1999): The end of politics: Corporate power and the decline of the public sphere, Guilford Press, 1999
- Borden, A. (1999): Hate speech In Prishtina, Institute of War & Peace Reporting, October 8, 1999

- Bourdieu, P. (1991): *Language and symbolic power*, Edited by Thompson, J.B., Cambridge, Polity Press
- Boyle, M. (1994): "Building a communicative democracy: the birth and death of citizen politics in East Germany" in *Media, Culture & Society*, Vol. 16, No. 2, April 1994
- Bozóki, A. (1995): Censorship in the 1980s, in *The New Hungarian Quarterly*, Vol. 36, Autumn 1995
- Bozóki, A. (1999): Rhetoric of action: The language of the regime change in Hungary, in Bozóki (ed.): *Intellectuals and politics in Central Europe*, CEU Press, Budapest, 1999, pp. 263–285
- Bozóki, A. (ed.) (1999): *Intellectuals and politics in Central Europe*, CEU Press, Budapest
- Bozóki, A. (2002): "Hungary's social–democratic turn", *East European Constitutional Review*, Summer 2002
- Braham, P. (1982): How the media report race, in Curran, J. & Gurevitch, M. & Woollacott, J. & Bennett, T. (eds.): *Culture, society and the media*, Methuen, 1982, pp. 268–287
- Brown, A. (ed.) (1984): *Political culture and communist studies*, Macmillan, London
- Bryant, C. & Mokrzycki, E. (eds.) (1994): *The new great transformation*, Routledge, London
- Bryant, J. & Miron, D. (2004): Theory and research in mass communication, *Journal of communication*, December 2004, pp. 662–704
- Butorova, Z. (ed.) (1998): *Democracy and discontent in Slovakia. A public opinion profile of a country in transition*, Institute for Public Affairs, Bratislava
- Byrne, P. (2000): "New state agency to monitor Internet", *Kyiv Post*, 4 May, 2000
- Byrne, P. (2001): "Poll shows confidence in state's news media", *Kyiv Post*, 25 January, 2001
- Calhoun, C. (ed.) (1992): Introduction, in Calhoun, C. (ed.): *Habermas and the public sphere*, MIT Press, Cambridge, pp. 1–51
- Carothers, T. (2002): The End of the Transition Paradigm, *Journal of Democracy* 13:1 (2002)
- Carothers, T. (1999): Western civil society aid to Eastern Europe and the former Soviet Union, *East European Constitutional Review*, Fall 1999
- Casimir, F.L. (ed.) (1995): *Communication in Eastern Europe. The role of history, culture and media in contemporary conflicts*, Mahwah, NJ
- Center for Policy Studies (2003): *In search of responsive government, State building and economic growth in the Balkans*, Blue Bird Agenda for Civil Society in Southeast Europe, Central European University, 2003
- Chomsky, N. & Herman, E.S. (1988): *Manufacturing consent. The political economy of the mass media*, Pantheon Books, New York, 1988
- Chomsky, N. (1997): *Democracy Lite*, *Index on Censorship*, 1997/3
- Cohen, J.L. & Arató, A. (1992): *Civil society and political theory*, Cambridge, MIT Press, 1992
- Cohen, J.L. (1996): The public sphere, media and civil society, in Sajó, A. & Price, M. (eds.): *Rights of access to the media*, the Hague, 1996
- Cohen, J.L. & Arató, A. (1998): *Civil society and the public sphere*, manuscript from the New School for Social Research, 1998
- Collier, D. & Levitsky, S. (1997): Democracy with adjectives. Conceptual innovation in comparative research, *World Politics*, April 1997

Committee to Protect Journalists: Country Reports – Ukraine, 1999 – 2004, available at www.cpi.org

Connors, M. & Rhodes, M. & Warshaw, M. (1995): "Differing views on government control", *Transition*, October 6, 1995

Contamine, C. (ed.) (1991): *Media in Eastern and Western Europe. Shared problems, shared solutions?*, London, John Libbey

Corcoran, F. & Preston, P (eds.) (1995): *Democracy and communication in the New Europe. Change and continuity in East and West*, Cresskill, NJ, Hampton Press

Council of Europe (1998): "Proceedings of the information seminar on self-regulation by the media", Conference held by the Council of Europe, Directorate of Human Rights, October, 1998

Council of Europe (2000a): *Council of Europe activities in the media field*. Directorate General of Human Rights, Strasbourg, 20 March, 2000

Council of Europe (2000b): *Media diversity in Europe*. Report prepared by the Advisory Panel to the Media Division. Directorate General of Human Rights, Strasbourg, December, 2002

Council of Europe (2000c): *Report on media pluralism in the digital environment*. Document adopted by the Steering Committee on the Mass Media, October 2000

Council of Europe (2002): *Council of Europe cooperation and assistance programmes in the media field*. Directorate General of Human Rights, Strasbourg, 10 May, 2002

Council of Europe (2003): *Comments on the Kosovo draft Law on the Independent Media Commission and broadcasting*, prepared by Karol Jakubowicz, released May 19, 2003

Council of Europe Opinion: *Freedom of expression in Ukraine*, January 21, 2001

Council of Europe, *Action Plan for the Media in Ukraine*, April 2001

Cseh, G. & Enyedi Nagy, M. & Soltészky, T. (eds.) (1998): *MediaBook Hungary (Média Könyv)*, Enamiké, 1998

Csepeli, Gy. & Örkény, A. (1992): *Ideology and political beliefs in Hungary. The twilights of state socialism*, Printer Publishers, London, NY, (originally published as "Az Alkony" in Hungarian, 1990)

Curran, J. & Gurevitch, M. & Woollacott, J (1982): *The study of the media: theoretical approaches*, in Gurevitch, M. & Bennett, T. & Curran J. & Woollacott, J. (eds.) (1982): *Culture, society and the media*, Routledge, London and New York, pp. 11–30

Curran, J. & Gurevitch, M. & Woollacott, J. (eds.) (1977): *Mass communication and society*, Open University

Curran, J. (1991a): *Mass media and democracy: A reappraisal*. In Curran, J. & Gurevitch, M. (eds.) *Mass media and society*, London, 1991

Curran, J. (1991b): *Rethinking the media as a public sphere*, in Dahlgren, P & Sparks, C. (eds.): *Communication and citizenship. Journalism and the public sphere in the new media age*, London, Routledge, 1991, pp. 27–58

Curran, J. (1996): *Mass media and democracy revisited*, Curran, J. & Gurevitch, M. (eds.): *Mass media and society* (2nd ed.), London, New York, Sydney, Auckland, 1996, pp. 81–120

Curran, J. and Park, Myung-Jin (eds.) (2000): *De-Westernising media studies*, London and New York: Routledge, 2000

Dahl, R.A. (1971): *Polyarchy: Participation and opposition*, Yale University Press

Dahl, R.A. (1989): *Democracy and its critics*, New Haven: Yale Univ. Press

- Dahl, R.A. (1997): Development and democratic culture, in Diamond et al.: Consolidating Third-wave democracies, Johns Hopkins Press, Baltimore and London, 1997
- Dahlgren, P. (1991): "Introduction" in Dahlgren, P & Sparks, C. (eds.): Communication and citizenship. Journalism and the public sphere in the new media age, London, Routledge, 1991, pp. 1-27
- Dahlgren, P. (1995): Television and the public sphere, London, Sage, 1995
- Dahlgren, P. & Sparks, C. (eds.) (1991): Communication and citizenship. Journalism and the public sphere in the New Media Age, Routledge, London, NY
- Dahlgren, P. (2001): The public sphere and the net: Structure, space, and communication, in Bennett, L.W. & Entman R.M. (eds.) (2001): Mediated politics. Communication on the future of democracy, Cambridge University Press, 2001, pp. 33-56
- Darden, K. (2001): "Blackmail as a tool of state domination: Ukraine under Kuchma", *East European Constitutional Review*, Spring-Summer, 2001
- De Bens, E. & Ostbye, H. (1998): The European newspaper market, in McQuail, D. & Siune, K. (eds.) (1998): Media policy. Convergence, concentration and commerce, SAGE, London, 1991
- Delhey, J. & Tobsch V. (2000): Understanding regime support in new democracies. Does politics really matter more than economics? Working Paper FS III 00 - 403, Wissenschaftszentrums Berlin für Sozialforschung
- Di Lellio, A. (2004): "The empire, lite as a swamp", *Transition*, April 2004
- Di Palma, G. (1990): To craft democracies. An Essay on Transitions, Berkeley, UCB Press
- Diamond, L. & Linz, J.J. & Lipset, S.M. (1995): Politics of developing countries: Comparing experiences with democracy, Lynne Rienner, 1995
- Donsbach, W. & Patterson, T.E. (2004): Political news journalists: Partisanship, professionalism and political roles in five countries, in Esser, F. & Pfetsch, B. (eds.) (2004): Comparing Political Communication. Theories, cases and challenges, Cambridge University Press, 2004, pp. 251-271
- Downing, J. (1995): Media, dictatorship and the re-emergence of civil society, in Downing, J. & Mohammadi, A. & Sreberny-Mohammadi, A. (eds.): Questioning the Media - A Critical Introduction, Thousand Oaks, London, New Delhi: Sage, 1995, pp. 184-205
- Downing, J. (1996): Internationalising media theory. Transition, power, culture. Reflections on the media in Russia, Poland and Hungary, 1980-95, Thousand Oaks, CA, Sage
- Dubrow, G. (1999): Legacies of an early post-totalitarian state: Corruption and economic reform in Ukraine, Harvard Ukrainian Research Institute, Working Papers
- Dyczok, M. (1999): International assistance and the development of independent mass media in Ukraine. Paper prepared for the Columbia University Project on Evaluating Western NGO strategies for democratisation and the reduction of ethnic conflict. November, 1999
- Edelman, M. (1964): The symbolic uses of politics, Univ. of Illinois Press, Chicago, London
- Edelman, M. (1971): Politics as symbolic action, Academic Press, NY, London
- Entman, R.M. (1989). Democracy without citizens: Media and the decay of American politics, New York: Oxford University Press, 1989
- Elliott, K. A. (1997): Corruption as an international policy problem: Overview and recommendations. In Elliott, K.A. (ed.): Corruption and the global economy, Institute for International Economics, Washington DC, 1997, pp. 175-233
- Esser, F. & Pfetsch, B. (eds.) (2004): Comparing Political Communication. Theories, cases and challenges. Cambridge University Press, 2004

- Eurobarometer survey (1994), Prepared by the European Commission, Brussels
- European Institute for the Media (2002): "Monitoring the media coverage of the March 2002 parliamentary elections in Ukraine. Final report, August, 2002
- European Institute for the Media: Ukrainian Media Bulletin, 1998–2003 reports
- Fallows, J. (1997): *Breaking the news. How the media undermine American democracy*, Vintage Books, NY, 1997
- Fraser, N. (1993): Rethinking the public sphere: A contribution to the critique of actually existing democracy, in Robbins, B. (ed.): *The phantom public sphere*, Minneapolis: Univ. of Minnesota Press, 1993, pp. 1–33
- Freedom House (2003): "Under assault. Ukraine's news media and the 2003 presidential elections". Special report, October, 2003
- Freedom House: Nations In Transit reports, 1995–2004
- Gálik, M. & Bayer, J. (2000): Building markets in newspaper and magazine publishing in Hungary in the 1990s: the case of Axel Springer–Budapest Ltd. and Axel Springer–Magyarország Ltd.
- Gálik, M. (2004): Hungary chapter, in "Media Markets in Southeast Europe and EU Accession Countries: Mapping Patterns of Media Ownership and Their Effects on Media Freedom and Pluralism," research by www.seenpm.org
- Garnham, N. (1986): The media and the public sphere in Golding, P. & Murdock, G. & Schlesinger, P. (eds.): *Communicating politics. Mass communications and the political process*, Leicester Univ. Press, NY, 1986, pp. 37–54
- Garnham, N. (1992): The media and the public sphere, in Calhoun, C. (ed.): *Habermas and the public sphere*, Cambridge: MIT Press, 1992, pp. 359–377
- Gáti, C. (1996) The mirage of democracy, *Transition* Vol. 2, No. 6, p. 6–12
- German Marshall Fund of the United States (2001): Future directions for US assistance in Southeastern Europe, February 2001
- Gerő, Barnabás & Vedres, Balázs (1998): *Interlocking comrades. An analysis of the structure of interlocking directorates in post-communist Hungary*, 1998
- Gibbins, J.R. (ed.) (1989): *Contemporary political culture. Politics in a postmodern age*, Sage
- Giorgi, L. (1995): *The post-socialist media. The challenging media landscape in Poland, Hungary and the Czech Republic*, Brookfield, VT, Avebury
- Goban-Klas, T. (1997): Politics versus the media in Poland: A game without rules, in O'Neil, Patrick H. (ed): *Post-communism and the media in Eastern Europe*, London, Portland, 1997, pp. 24–42
- Goff, P. (ed.) (1999): *The Kosovo news and propaganda war*, International Press Institute, 1999
- Golding, P. & Murdoch, G. & Schlesinger, P. (eds.) (1986): *Communicating politics, Mass communication and the political process*, Leicester Univ. Press
- Golding, P. & Murdock, G. (1996): Culture, communications, and political economy, in Curran, J. & Gurevitch, M. (eds.): *Mass media and society* (2nd ed.), London, New York, Sydney, Auckland: Arnold, 1996, pp. 11–31
- Golding, P. (1990): Political communication and citizenship, in Ferguson, M. (ed.): *Public communication*, Sage, London, 1990
- Gombár, Cs. (1996): *Debating with the Self (Magammal Vitázom)*, Center for Political Research, Budapest

- Gorchinskaya, K. (2000): Journalists seek freedom on the Net, *Kyiv Post*, May 4, 2000
- Graber, D (ed.) (1984): Media power in politics. Congressional Quarterly Press, Washington DC
- Graber, D. & McQuail, D. & Norris, P. (1998): The politics of news – the news of politics, Congressional Quarterly Press, 1998.
- Gross, P. (2001): Entangled evolutions. Media and democratisation in Eastern Europe. Washington, D.C. and Baltimore, MD: The Woodrow Wilson Center Press and the Johns Hopkins University Press, 2002
- Gross, P. (2002): Media and political society in Eastern Europe, *Media Development* Vol. 49 (2002) 1
- Gross, P. (2003): New relationships: Eastern European media and the post-Communist political world, *Journalism Studies*, February 2003, pp. 79–89
- Gunther, R. & Diamandouros, P.N. & Puhle, H.-J. (eds.) (1995): The Politics of Democratic Consolidation. Baltimore, Maryland: Johns Hopkins University Press, 1995
- Gunther, R. & Mughan, A. (eds.) (2001): Democracy and the Media: A Comparative Perspective, Cambridge and New York: Cambridge University Press, 2001
- Gurevitch, M. & Bennett, T. & Curran J. & Woollacott, J. (eds.) (1982): Culture, society and the media, Routledge, London and New York
- Gurevitch, M. & Blumler, G.: (1979) Linkage between the mass media and politics: A model for the analysis of political communications system, in J. Curran, M. Gurevitch, & J. Woollacott (Eds.), Mass communication and society, Beverly Hills: Sage Publications, pp. 270-289
- Gurevitch, M. & Blumler, J.G. (2004): State of the art of comparative political communication research: Poised for maturity? In Esser, F. & Pfetsch, B. (eds.) (2004): Comparing Political Communication. Theories, cases and challenges, Cambridge University Press, 2004, pp. 325-344
- Habermas, J. (1962): The structural transformation of the public sphere, English edition, Cambridge: Polity Press, 1989
- Hall, R.A. & O'Neil, P. (1998): Institutions, transitions and the media – A comparison of Hungary and Romania, in O'Neil, P. (ed.): Communicating democracy. The media and political transitions, 1998, pp. 125–147
- Hallin, D.C. & Mancini, P. (2004a): Comparing media systems. Three models of media and politics, Cambridge University Press, 2004
- Hallin, D.C. & Mancini, P. (2004b): Americanisation, globalisation and secularisation: Understanding the convergence of media systems and political communication, in Esser, F. & Pfetsch, B. (eds.) (2004): Comparing Political Communication. Theories, cases and challenges, Cambridge University Press, 2004, pp. 25-45
- Halloran, J.D. (1995): The context of mass communication research, Boyd-Barrett, Oliver and Newbold, Chris (eds.): Approaches to media, London, New York, Sydney, Auckland: Arnold, 1995
- Halmi, G. & Vászárhelyi, M. (eds.) (1998): The system-change of the public sphere (A Nyilvánosság rendszerváltása), Új Mandátum, Budapest
- Hankiss, E. (1990): East European alternatives, Clarendon Press
- Hankiss, E. (1994): The Hungarian media's war of independence: a Stevenson lecture, 1992, in *Media, Culture & Society*, April 1994
- Helen Harrison and Company/ IREX (2003): Kosovo TV audience Measurement Survey, June 2003

- Henn, M. (1998): Opinion polls and volatile electorates. Problems and issues in polling European societies, Ashgate Publishers, 1998
- Higley, J. & Pakulsky, J. & Wesolowski, W. (eds.) (1998): Post-communist elites and democracy in Eastern Europe, Macmillan, London
- Hobsbawm, E. (1996): The age of extremes. A History of the World, 1914–1991, Vintage Books, 1996
- Horowitz, Donald (1985): Ethnic Groups in Conflict, University of California Press, 1985
- Horváth, J. (1991): The East European journalist, *Journal of International Affairs*, 1991, no. 45, pp. 191–200
- Human Rights Watch (2003): "Negotiating the news. Informal state censorship of Ukrainian television". March, 2003
- Huntington, S. P. (1991). The third wave: Democratisation in the late twentieth century. Norman: University of Oklahoma Press
- Huntington, S.P. (1987). The goal of development. In M. Weiner & M. Huntington (eds.). Understanding political development. New York: HarperCollins Publishers, pp. 3–32
- Innes, A. (2001): Party competition in post-communist Europe: The great electoral lottery, Center for European Studies, Central and Eastern Europe Working Paper Series 54
- Institute for War and Peace Reporting (2001): Regional media in conflict. Case studies in local war reporting, June 2001
- Institute of History, Pristina (1996): The Kosova issue – A historic and current problem. (Papers from the symposium, Tirana, April, 1993) Tirana, 1996
- Intelnews news agency: "President asserts control over radio–TV broadcasting", *Post–Soviet Media Law and Policy Newsletter*, 13 November, 1998
- International Advisory Group, Kosovo: "Advertising on the spot in Kosovo," Report for the Task Force on the Independent Media Commission, October 4, 2002, Pristina, Kosovo
- International Federation of Journalists (2003): Unity for justice: The challenge of change for journalism in Ukraine. Inquiry into the social and professional conditions of journalists", April 3, 2003
- IREX (2001): Media use in Kosovo, Presentation to local broadcasters and editors, Pristina, November 2, 2001
- Jakab, Z. & Gálík, M. (1991). Survival, efficiency and independence: The presence of foreign capital in the Hungarian media market, Manchester, UK: European Institute for the Media
- Jakab, Z. (ed.) (1987): Mass media in the documents of the MSzMP, 1957–1980, Budapest, Research Center for Mass Communications
- Jakubowicz, K. (1991): Musical chairs: The three public spheres in Poland, in Dahlgren, P. & Sparks, C. (eds.) Communication and citizenship, journalism and the public sphere in the new media age, London, Routledge, 1991, pp. 155–176
- Jakubowicz, K. (1993): Freedom vs. equality, in *East European Constitutional Review*, Summer 1993, pp. 42–48
- Jakubowicz, K. (1995): Media as agents of change, in Paletz, D.L. & Jakubowicz K. & Novosel P.: Glasnost and after. Media and change in Central and Eastern Europe, pp. 19–49
- Jakubowicz, K. (1996a): Access to the media and democratic communication: Theory and practice in Central and Eastern European broadcasting, in Sajó, A. & Price, M. (eds.) Rights of Access to the Media, the Hague, 1996, pp. 139–163

- Jakubowicz, K. (1996b): Civil society and the public sphere in Central and Eastern Europe. A Polish case study. Revised version of paper presented at the Nordic-Baltic course on Contemporary Theory and Methods of Communications Research, July 29–August 8, 1996, Puhajarve, Estonia
- Jakubowicz, K. (1996c): Media legislation as a mirror of democracy, *Transition*, 18 October, 1996
- Jakubowicz, K. (1998): Normative models of media and journalism broadcasting regulation in Central and Eastern Europe, *International Journal of Communications Law and Policy*, Issue 2, Winter 1998/1999
- Jakubowicz, K. (1999): Measuring media change in Central and Eastern Europe, *Media Studies Journal*, Fall 1999
- Jakubowicz, K. (2001): Review and analysis of laws of Ukraine. Analysis commissioned by the Council of Europe and the OSCE Representative on Freedom of the Media, 2001
- Jakubowicz, K. (2002): Media in Transition: the Case of Poland, in Price, M.E. & Rozumilowicz, B. & Verhulst, S. G. (eds.) (2002): Media reform. Democratising the media, democratising the state, Routledge, 2002
- Jakubowicz, K. (2003a): Comments on the Kosovo draft Law on the Independent Media Commission and broadcasting, Prepared for the Council of Europe, May 19, 2003
- Jakubowicz, K. (2003b): Social and media change in Central and Eastern Europe: Frameworks of analysis, in Paletz, D. L. & Jakubowicz K. (eds.) (2003): Business and ususal. Continuity and change in Central and Eastern European Media, Hampton Press, Cresskill, New Jersey, pp. 3–41
- Johnson, O.V. (1993): Whose voice? Freedom of speech and the media in Central Europe, In Hester, A. & White, K. (eds.): Creating a free press in Eastern Europe, Center for International Mass Communication Training and Research, Athens, Georgia 1993
- Johnson, O.V. (1995a): East Central and South Eastern Europe, Russia, and the Newly Independent States, in Merrill, J.C. (ed.): Global Journalism: Survey of International Communication, 3rd ed., Longman, White Plains, N.Y., 1995, pp. 153–187
- Johnson, O.V. (1995b): Mass media and the velvet revolution, In Popkin, Jeremy D. (ed): Media and revolution: Comparative perspectives. Lexington: University of Kentucky Press, 1995, pp. 220–233
- Johnson, O.V. (1998): The media and democracy in Eastern Europe, in O'Neil, P. (ed.): Communicating democracy. The media and political transitions, 1998, pp. 103–125
- Juhász, G. (2003): The market of Hungarian quality daily newspapers, *Mediakutató*, 2003 spring
- Kaldor M. & Vejvoda, I. (1999): Democratisation in Central and Eastern Europe, Pinter, London and New York, 1999
- Kavanagh, D. (1972): Political culture, Macmillan, 1972
- Keane, J. (1988): Democracy and civil society, Verso, 1988
- Keane, J. (1991a): Democracy and the media, *International Social Science Journal* 43, No. 3, August 1991
- Keane, J. (1991b): The media and democracy, London: Polity Press
- Kéri, L. (2000): Attempts to seize power. Governments, politics and media between 1989 and 2000 [Hatalmi kísérletek], Helikon, 2000
- Kertzer, David I. (1988): Ritual, politics, and power. New Haven, London, Yale Univ. Press

- Kirchheimer, O. (1966): The transformation of the Western European party systems, in LaPalombara, J. & Weiner, M. (eds.), *Political parties and political development*, Princeton, NJ: Princeton University Press, 1966, pp. 177–200
- Klapper, J. (1960): *The effects of mass communication*, Glencoe, Free Press
- Konrád, Gy. (1984): *Antipolitics: An essay*, New York, Harcourt Brace Jovanovich
- Konrád, Gy. (1990): "The melancholy of the rebirth," republished in Király, B. & Bozóki, A. (eds.) (1995): *Lawful revolution in Hungary, 1989–1994*, Columbia University Press, 1995, pp. 40–65
- Krasnoboka, N. & Brants, K. (2002): Old and new media – Old and new politics? Conference paper for "Political communication, mass media and the consolidation of democracy". European Consortium of Political Research Conference, Torino, March 22–27, 2002
- Krastev, I. (2003): *The inflexibility trap: Frustrated societies, weak states and democracy. Report on the state of democracy in the Balkans*, Sofia: Centre for Liberal Strategies, 2003
- Kunczik, M. (1984): *Communication and social change*, Bonn, F. Ebert Stiftung
- Kuzio, T. & D'Anieri, P. (eds.) 2002 *Dilemmas of state-led nation building in Ukraine*. Praeger, Connecticut, London, 2002
- Kuzio, T. & Kravchuk, R.S. & D'Anieri, P. (eds.) (1999): *State and institution building in Ukraine*, Macmillan, 1999
- Kuzio, T. (1997): *Ukraine under Kuchma: political reform, economic transformation and security policy in independent Ukraine*, Basingstoke, Macmillan, 1997
- Kuzio, T. (1998): *Ukraine – State and nation building*. London, New York, Routledge
- Kuzio, T. (1999): *Stateness and institutions in Ukraine: A theoretical and comparative introduction*. In Kuzio, T. & Kravchuk, R.S. & D'Anieri, P. (eds.) *State and institution building in Ukraine*, Macmillan, 1999, pp. 1–25
- Kuzio, T. (ed.) (1998): *Contemporary Ukraine. Dynamics of Post-Soviet Transformation*, Armonk, NY, London: ME Sharpe, 1998
- Lakner, Z. (2003): "Political networks within MSZP and Fidesz: Plenty of mystery still remains." in: *Connections and networks, exclusive survey by Figyelő*, December 25, 2003
- Lánczi, A. & O'Neil, P. (1997): *Pluralisation and the politics of media change in Hungary*. In O'Neil, Patrick H. (ed): *Post-Communism and the media in Eastern Europe*, London, Portland, 1997
- Lang, K. & Lang, G. (1966): *The mass media and voting*, in Berelson, B. & Janowicz, M. (eds.): *Reader in public opinion and communication*, New York, Free Press, 1966
- Lapychak, C. (1995): *Media independence is still alien to Ukraine's political culture*, *Transition*, October 6, 1995
- Lapychak, C. (1996): *Playing the patronage game in Ukraine*, *Transition*, October 18, 1996
- Lemert, J.B. (1981): *Does mass communication change public opinion after all*, Nelson Hall, Chicago
- Lengyel, L. (1996): *The rise and fall of system-changing elites (A rendszerváltó elit tündöklése és bukása)*, Helikon, 1996
- Lengyel, L. (1998): *From party-headquarters to a palace (Pártházból palotába)*, Helikon Universitas, 1998
- Lerner, D. (1958): *The passing of traditional society*, The Free Press, 1958

- Letki, N. & Evans, G. (2002): Social trust and responses to political and economic transformation in East-Central Europe. Nuffield College Politics Working Paper 2002-W9
- Levin, D. (2003): Structure of news coverage of a peace process: A test of the indexing and zero-sum hypotheses," *Press/Politics*, Fall, 2003
- Lijphart, A. (1977): *Democracy in plural societies. A comparative exploration*, Yale University Press, 1977
- Linz, J.J. & Stepan, A. (1996): *Problems of democratic transition and consolidation, Southern Europe, South America and Post-Communist Europe*, Johns Hopkins Univ. Press, Baltimore and London
- Lippmann, W. (1922): *Public opinion*, Free Press
- Lipset, S.M. (1960): *Political man*, Heinemann, 1960
- Lipset, S.M. (1994): The social requisites of democracy revisited. 1993 Presidential Address (at the American Sociological Association), *American Sociological Review*, 1994, Vol. 59.
- Livingstone, S. & Lunt, P. (1994) *Talk on television: Audience participation and public debate*. London: Routledge
- Lukes, S. (1986): *Power*, New York University Press, New York, 1986
- Manaeu, O. & Pryliuk, Y. (eds.) (1993): *Media in transition: From totalitarianism to democracy*, Kyiv: Abris
- Manaeu, O. (1993): Mass media in the political and economic system of transition society, Manaeu, O. and Pryliuk, Y. (eds.): *Media in transition: From totalitarianism to democracy*, Kyiv: Abris, 1993
- McLeod, J.M. & Jay G.B. (1989): "The macro-social level of communication science", in Berger & Chaffee (eds.) *Handbook of Communication Science*, SAGE Publications, 1989, pp. 271-325
- McLuhan, M. (1964): *Understanding media. The extensions of man*, MIT Press, Cambridge
- McNair, B. (1995): *An introduction to political communication*, Routledge
- McNair, B. (2000): *Power, profit, corruption and lies. The Russian media in the 1990s*, in Curran, J. and Park, Myung-Jin (eds.) *De-Westernising media studies*, London and New York: Routledge, 2000
- McQuail, D. (1983): *Mass communication theory. An introduction*, London, Sage
- McQuail, D. (1991): Mass media in the public interest: Towards a framework of norms for media performance, in Curran, J. & Gurevitch, M. (eds.): *Mass media and society*, London, E. Arnold, 1991, pp/ 66-81
- McQuail, D. (1992): *Media performance. Mass communication and public interest*, Sage, London, 1992
- McQuail, D (1994): *Mass communication theory: An introduction. (Third edition)* London, Sage
- McQuail, D. & Siune, K. (eds.) (1998): *Media policy. Convergence, concentration and commerce*, SAGE, London, 1991
- McQuail, D. (2000): *McQuail's mass communication theory*, Sage, 2000
- McQuail, D. & Windahl, S. (1993): *Communication models for the study of mass communication*, Pearson Education Ltd, Essex, 1993
- Merrill J. C & Lowenstein R. (1979): *Media, messages and men. New perspectives in communication*, Longman, 1979

- Merrill, J. C. (1974): *The imperative of freedom: A philosophy of journalistic autonomy*. New York: Hastings House, 1974.
- Mickiewicz, E.P. (1988): *Split signals: Television and politics in the Soviet Union*, NY: Oxford University Press, 1988
- Milgan, G.J. (1991): *Communication and control*, Polity Press, Cambridge, 1991
- Milton, A.K. (2000): *The rational politician: Exploiting the media in new democracies*, Aldershot, England and Brookfield, Ashgate, 2000
- Moore, P. & Schmidt, F. (1994): Possible ways out of the deadlock over Kosovo, *RFE/RL Research Report*, April 15, 1994
- Moore, P. (1992a): The "Albanian question" in the former Yugoslavia, *RFE/RL Research Report*, April 3, 1992
- Moore, P. (1992b): Kosovo could spark another Balkan war, *RFE/RL Research Report*, December 18, 1992
- Mosco, Vincent (1996): *The political economy of communication. Rethinking and renewal*. Newbury Park, CA, Sage, 1996
- Mungiu-Pippidi, A. (1999): *State into public – The reform of state TV in East Central Europe*, Working Paper, Joan Shorenstein Center, Harvard University
- Murdock, G. & Golding P. (1989): Information poverty and political inequity: Citizenship in the age of privatised communications, in *Journal of Communication* 3(39), pp. 180–195
- Murdock, G. (1996): "Rights and representations: Public discourse and cultural citizenship". (In:) Griptrud, J. (ed.) *Media and knowledge. The role of television*. Bergen: Department of Media Studies, University of Bergen
- Murdock, G. & Golding, P. (1995): For a political economy of mass communications, in Boyd-Barrett, O. and Newbold, C. (eds.): *Approaches to Media*, London, New York, Sydney, Auckland: Arnold, 1995
- Negt, O. & Kluge, A. (1972): *Public sphere and experience: Toward an analysis of the bourgeois and proletarian public sphere*, University of Minnesota Press, 1993
- Nelson, T.E. et al (1979): "Toward a psychology of framing effects", *Political Behaviour*, 19 (3), 1979
- Nelson, T.E. et al (1997): "Media framing of a civil rights conflict and its effect on tolerance", *American Political Science Review*, 91, 1997
- Nordenstreng, K. (1997) *Beyond the Four theories of the press*, in Koivisto, J. & Lauk, E. (eds.) *Journalism at the crossroads, Perspectives on research*, Tartu University Press
- Norris, P. (2000): *A virtuous circle – Political communications in post-industrial societies*. Cambridge University Press, 2000
- Norris, P. (2001): *Giving voice to the voiceless – Good governance, human development & mass communications*. Working paper, Harvard University, John F. Kennedy School of Government, 2001, obtained from www.pippanorris.com
- Norris, P. & Zinnbauer, D. (2002): *Giving voice to the voiceless. Good governance, human development and mass communications*, UNDP Occasional Paper, 2002/ 11
- Norris, P. (2004): *Global political communication: Good governance, human development and mass communication*, in Esser, F. & Pfetsch, B. (eds.) (2004): *Comparing Political Communication. Theories, cases and challenges*, Cambridge University Press, 2004, pp. 115-151

- Novosel, P. (1995): The iron law of communication, in Paletz, David L. & Jakubowicz K. & Novosel, P. (eds.): *Glasnost and after. Media and Change in Central Europe*, 1995, pp. 9–19
- O'Donnell, G. (1988): Challenges to democratisation in Brazil, *World Policy Journal*, 5, 1988;
- O'Donnell, G. (1996): Illusions about consolidation, *Journal of Democracy*, 2 April 1996
- O'Donnell, G. (1999): Democratic theory and comparative politics, Working Paper 99 – 044, Wissenschaftszentrum Berlin für Sozialforschung
- Ognianova, E. (1996): The transitional media system of post-communist Bulgaria, Working paper, University of Missouri, Columbia 1996
- O'Neil, Patrick H. (1997b): Introduction: Media Reform and democratisation in Eastern Europe, in O'Neil, Patrick H. (ed): *Post-communism and the media in Eastern Europe*, London, Portland, 1997
- O'Neil, Patrick H. (ed) (1997a): *Post-communism and the media in Eastern Europe*, London, Portland, 1997
- O'Neil, Patrick H. (ed.) (1998a): *Communicating democracy. The media and political transitions*, Lynne Rienner, 1998
- O'Neil, Patrick H. (1998b): Democratisation and mass communication, in O'Neil, P. (ed.): *Communicating democracy. The Media and political transitions*, 1998, pp. 1–21
- OSCE Representative on Freedom of the Media: "Freedom and responsibility", Yearbook 1999–2000, OSCE, 2001
- OSCE Representative on Freedom of the Media: Fourth Country Report – The current media situation in Ukraine, 1999/2000
- OSCE/ UNHCR (2002): Ninth assessment of the situation of ethnic minorities in Kosovo, May 2002
- OSCE (2000): Kosovo's concerns, Voters' voices, UNMIK/ OSCE, Department of Democratisation, 2000
- Paldam, M. & Svendsen, G.T (2000): Missing social capital and the transition in Eastern Europe. Conference paper, IMAD, Portoro, 2000
- Paletz, D. L. & Jakubowicz, K. (eds.) (2003): *Business and usual. Continuity and change in Central and Eastern European Media*, Hampton Press, Cresskill, New Jersey
- Paletz, David L. & Entman, R.M. (1981): *Media, power, politics*, Free Press, NY
- Paletz, David L. & Jakubowicz, K. & Novosel, P. (eds.) (1995): *Glasnost and after. Media and change in Central Europe*, 1995
- Paletz, David L. (ed.) (1996): *Political communication in action*, Hampton Press
- Palmer, L. (2001): A very clear and present danger: Hate speech, media reform, and post-conflict democratisation in Kosovo, *Yale Journal of International Law*, Winter 2001
- Parrott, Bruce (1997): Perspectives on post-communist democratisation, in Dawisha, K. & Parrott, B. (eds.): *Democratic changes and authoritarian reactions in Russia, Ukraine, Belarus, and Moldova*, Cambridge: Cambridge University Press, 1997
- Patterson, T.E. (1993): *Out of order*, New York, Vintage
- Pehe, J. (1997): Reshaping dissident ideals for post-communist times, in *Transition*, February 21, 1997
- Pfetsch, B. (2004): From political culture to political communications culture: A theoretical approach to comparative analysis, in Esser, F. & Pfetsch, B. (eds.) (2004): *Comparing Political*

- Communication. Theories, cases and challenges, Cambridge University Press, 2004, pp. 344-367
- Pokol, B. (1995a): Media supremacy (Médiáhatalom), Budapest, Windsor Kiadó, 1995
- Pokol, B. (1995b): Political power and the mediocracy, *Társadalmi Szemle*, 1995/8–9
- Popovic, R. (2001): Enemy construction of the media during the Kosovo conflict – A comparative view, Paper presented at the Socrates Kokkalis Graduate Conference and Harvard University, February 2001
- Poster, M. (1995): The second media age, Polity Press, London
- Press Now (2004): Media development by OSCE field missions, Amsterdam, 2004
- Price, M. E. & Krug, P. (2000): The enabling environment for free and independent media, Working paper, Programme in Comparative Media Law and Policy, Oxford, December 2000
- Price, M. E. & Krug, P. (2002): A module for media intervention: Content regulation in post-conflict zones, in Price, M. E. & Thompson, M. (eds.): Forging peace: Intervention, human rights, and the management of media space, Indiana University Press, 2002, text downloaded from internet (page numbering different from original)
- Price, M.E. & Rozumilowicz, B. & Verhulst, S. G. (eds.) (2002): Media reform. Democratising the media, democratising the state, Routledge, 2002
- Price, M.E. & Thompson, M. (eds.) (2002): Forging peace: Intervention, human Rights, and the management of media space, Indiana University Press, 2002
- Price, M.E. (1995): Television, the public sphere and national identity, Clarendon Press, Oxford
- Prizel, Ilya (1997): Ukraine between proto-democracy and "soft" authoritarianism, in Dawisha, K. & Parrott, B. (eds.): Democratic changes and authoritarian reactions in Russia, Ukraine, Belarus, and Moldova, Cambridge: Cambridge University Press, 1997, 330–371
- Pryliuk, Yuri (1993): Mass media pluralism as a condition of civil society formation, in Manaev, O. & Pryliuk, Y. (eds.): Media in transition: From totalitarianism to democracy, Kyiv: Abris, 1993
- Przeworski, A. et al. (1996). "What makes democracies endure?" *Journal of Democracy* 7(1), pp. 39-55
- Przeworski, A. (1998): Deliberation and ideological domination, in Elster, J. (ed.): Deliberative democracy, Cambridge Univ. Press, 1998, pp. 140–161
- Przeworski, A. & Teune, H. (2001): The logic of comparative social inquiry, Krieger Publishing Co., Florida, 2001
- Putnam, R.D. (1993): "The prosperous community – Social capital and public life," *American Prospect*, 1993/4.
- Putnam, R. D. (1995): Bowling alone – America's declining social capital, *The Journal of Democracy*, 65–78
- Pye, L.W. & Verba, S. (eds.) (1965): Political culture and political development, Princeton Univ. Press
- Pye, L.W. (ed.) (1963): Communications and political development, Princeton University Press, 1963
- Reid, A. (1999): Borderland – A journey through the history of Ukraine, Boulder, Westview Press, 1999
- Reporters Without Borders (2003): "The internet under surveillance". Annual report, 2003

- Rich, R. (1993): Recognition of states – The collapse of Yugoslavia and the Soviet Union, *European Journal of International Law*, 1993, no. 1
- Richter, A. (2002): The partial transition. Ukraine's post-communist media. In Price, M. E. & Rozumilowicz, B. & Verhulst, S. G. (eds.) (2002): Media reform. Democratising the media, democratising the state, Routledge, 2002
- Robbins, B. (1993): The Phantom Public Sphere, Univ. of Minnesota Press
- Robinson, M. (1976): Public affairs television and the growth of political malaise: The case of the "selling of the president". *American Political Science Review*, 70 (3) pp. 409–432
- Roques, A.E. (2003): PSB vs. commercial broadcasting? What type of broadcasting system do Americans and Europeans want to develop in Kosovo? Unpublished MA thesis, School of Journalism of Cardiff University
- Rosen, J. (1997): In quest of journalism, *Index on Censorship*, 1997/3
- Rozumilowicz, B. (2002): Democratic change: A theoretical perspective, in Price, M. E. & Rozumilowicz, B. & Verhulst, S. G. (eds.) (2002): Media reform. Democratising the media, democratising the state, Routledge, 2002, pp. 9–26
- Ryabchuk, M. (2004): Perilous way to freedom. Independent mass media in the blackmail state. Yet unpublished article, on file with author
- Sadri, A. (1992): Max Weber's sociology of intellectuals, Oxford Univ. Press
- Sanchez-Tabernero A. (1993): Media concentration in Europe. Commercial enterprise and the public interest, London, John Libbey
- Sartori, G. (1987): The theory of democracy revisited, Chatham House, 1987
- Schleicher, N. (2000): Communication culture in transition, Budapest, Akadémiai Kiadó, 2000
- Schmidt, F. (1993a): Kosovo: The time bomb that has not gone off, *RFE/RL Research Report*, October 1, 1993
- Schmidt, F. (1993b): Has the Kosovo crisis been internationalised?, *RFE/RL Research Report*, November 5, 1993
- Schmitter P.C. & Karl T.L. (1991): What democracy is... and is not, *Journal of Democracy*, Summer 1991
- Schmitter, P.C. & O'Donnell, G. (1986): Transitions from authoritarian rule. Tentative conclusions about uncertain democracies, Johns Hopkins University Press, 1986
- Schmitter, P.C. (1992): Bound to change: Consolidating democracy in East Central Europe, NY, Prague: Institute for East-West Studies, 1992
- Schmitter, P.C. (1997): Civil society East and West, in Larry Diamond et al (eds.): Co-solidarity in the Third wave democracies, Baltimore, Johns Hopkins, 1997
- Schmitter, P.C. & Brouwer, I. (1999): Conceptualizing, researching and evaluating democracy promotion and protection, EUI Working Paper Series, 1999/9
- Schedler, A. (2002): Measuring democratic consolidation, *Studies in comparative international development*, Spring 2001, pp. 66-92
- Schneider, C.Q. (2002): The consolidation of democracy in different contexts. Complex causation and preliminary data on 28 third-wave democracies, Paper presented at the 2nd Advanced Research Workshop of 'The European Political Economy Infrastructure Consortium' (EPIC), May, 2002 at the European University Institute, Italy
- Schramm, W. (1963): Communication development and the development process, in Pye, L. (ed.) Communications and political development. Princeton: Princeton University Press, pp. 30–57

- Schramm, W. (1964): Mass media and national development. The role of information in developing countries, Urbana, University of Illinois Press
- Schumpeter, J. (1942): Capitalism, socialism, and democracy, New York: Harper, 1975
- Sell, Louise (2000): Kosovo – A solvable problem. Occasional Paper, East European Studies Programme, Woodrow Wilson International Center for Scholars, Washington, December, 2000
- Seres, L. (2001): The freedom of the public media in Hungary: A libertarian approach, in Bajomi-Lázár, P. & Hegedűs, I. (eds.): Media and politics, Új Mandátum, 2001, pp. 147–159
- Siebert, F. S. & Peterson, T. & Schramm, W. (1956): Four theories of the press: The authoritarian, libertarian, social responsibility and soviet communist concepts of what the press should be and do. University of Illinois Press, 1956
- Sisk, Timothy (1996): Power-sharing and international mediation in ethnic conflicts, New York: Carnegie Corporation
- Skilling, G. (1989): Samizdat and an independent society in Central and Eastern Europe. MacMillan Press, 1989
- Skolkay, A. (1996): Journalists, political elites and the post-communist public: the case of Slovakia, *The Journal of Communist Studies and Transition Politics*, December 1996, pp. 61–81
- Slantchev, B.L. (2002): Does democracy impede economic reforms? Evidence from post-communist countries, Working paper, University of Rochester, 2002
- Sparks, Colin & Reading, Anna (1998): Communism, capitalism and the mass media, London, Thousand Oaks, New Delhi: Sage, 1998
- Sparks, C. (2000): Media theory after the fall of European communism – Why the old models from East and West won't do any more, in Curran, J. & Park, Myung-Jin (eds.) *De-Westernising Media Studies*, London, 2000
- Sparks, C. (2001): The internet and the global public sphere, in Bennett, L.W. & Entman R.M. (eds.) (2001): *Mediated politics. Communication on the future of democracy*, Cambridge University Press, 2001, pp. 75–99
- Splichal, S. (1994): Media beyond socialism. Theory and practice in East Central Europe, Boulder, Westview Press, 1994
- Splichal, S. (1995): From control to commodification: Media democratisation in East and Central Europe, in Corcoran & Preston (eds.): *Democracy and communication in the New Europe: Change and continuity in East and West*, Cresskill, Hampton Press, 1995, pp. 51–67
- Stability Pact for South Eastern Europe (2003): Media in South Eastern Europe, Legislation, Professionalism and Associations, Media Task Force, November, 2003
- Stokes, S. (1998): Pathologies of deliberation, in Elster, J. (ed.): *Deliberative democracy*, Cambridge Univ. Press, 1998, pp. 123–140
- Sullivan, J.L. & Pierson, J.E & Marcus, G.E. (1978): "Ideological constraint in the mass public: A methodological critique and some new findings." *American Journal of Political Science*, 1978/ 22.
- Sullivan, S. (2000): Kosovo, in Monroe, P.E. (ed.): *Restructuring the media in post-conflict societies: Four perspectives. The experience if intergovernmental and non-governmental organisations*, A Background Paper for the UNESCO World Press Day Conference in Geneva, May 2000
- Sunstein, C.R. (1993): Democracy and the problem of free speech, *The Free Press*

- Swanson, D.L. (1992): Managing theoretical diversity in cross-national studies of political communication, in Blumler, J. & McLeod & J.M., Rosengren, K.E (eds.): *Comparatively speaking: Communication and culture across space and time*, Newbury Park, Sage, pp. 19-34
- Swanson, D.L. (2004): Transnational trends in political communication, in Esser, F. & Pfetsch, B. (eds.): *Comparing Political Communication. Theories, cases and challenges*, Cambridge University Press, 2004, pp. 45-64
- Swisspeace (2002): *Media and peace-building concepts, actors and challenges*, Center for Peacebuilding, Swisspeace, 2002
- Szabó, M. (1998): *In discursive space (Diszkurzív térben)*, Scientie Humana, Budapest, 1998
- Szájer, J. (1998): *Rule of law, liberty, system-change (Jogállam, szabadság, rendszerváltoztatás)*, DAC Foundation, 1998
- Szalai, E. (1998): *The metamorphosis of elites (Az elitek átváltozása)*, Új Mandátum, 1998
- Sztompka, P (1993): *Civilizational incompetence: the trap of post-communist societies*, *Zeitschrift Soziologie*, 22, April 2, 1993
- Terestyéni, T. (1995): *Public service media. Dream or reality? (Közszolgálatosság a médiában. Ábránd vagy realitás?)*, Budapest, 1995
- Thompson, M. & De Luce, D.: *Escalating success? The media intervention in Bosnia and Herzegovina*, in Price & Thompson (2002: 201–235)
- Thompson, M. (2000): *Slovenia, Croatia, Bosnia and Herzegovina, Macedonia (FYROM) and Kosovo International Assistance to Media, A report for the OSCE High Representative for the Media*, OSCE 2000
- Tóka, G. (ed.) (1995): *The 1990 election to the Hungarian National Assembly*, Ed. Sigma
- Transparency International (1997–2003): *Corruption perceptions index*, available at www.transparency.org
- Ukrainian Legal Foundation (1988): *"Review of the progress in combating corruption in Ukraine"*. An independent report by the Ukrainian Integrity Program, Kyiv, August, 1998
- Ukrainian Ombudsman Annual report. April 18, 2003
- UNDP (2002): *Human Development Report, Kosovo*, 2002
- UNDP (2003): *The Kosovo mosaic – Perceptions of local government and public services in Kosovo*, March 2003, Report based on a comprehensive, 6,000 people public opinion survey
- USAID (1999): *The role of media in democracy – A strategic approach*. Prepared by the Center for Democracy and Governance, June 1999
- USAID (2002): *Kosovo Annual report*, 2002
- USAID (2003a): *Kosovo Annual report*, 2003
- USAID (2003b): *Corruption in Kosovo: Observations and implications for USAID*, Final report, 2003
- USAID (2003c): *Strategic plan for Kosovo 2004–2008*, Report released in July, 2003
- Varfolomeyev, O.: *Ukraine annual reports in Transitions Online, 1998–2003*, www.tol.cz
- Varga Domokos, Gy. (2001): *The last always come first. The metamorphosis of the Hungarian media (Elsőkből lesznek az utolsók)*. Volume I and II, 2001
- Vásárhelyi, M. (1998a): *Public opinion regarding corruption*, Survey results retrieved from the internet

- Vásárhelyi, M. (1998b): Journalistic autonomy and press freedom, in *The System–Change of the Public Sphere (A Nyilvánosság rendszerváltása)*, Új Mandátum
- Vásárhelyi, M. (1999): Journalists, media workers and day–labourers, Új Mandátum, Budapest
- Verstraeten, H. (1996): "The media and the transformation of the public sphere. A contribution for a critical political economy of the public sphere", in *European Journal of Communication*, 1996, Vol. 11/ 3
- Vitányi, I. (1997): The state of culture in Hungarian society (A magyar társadalom kulturális állapota), A 1996 survey, Maecenas
- Voltmer, K. (2000): Structures of diversity of press and broadcasting systems: The institutional context of public communication in Western democracies, Discussion Paper FS III 00-201, Wissenschaftszentrum Berlin für Sozialforschung, Berlin
- Voltmer, K. & Schmitt-Beck, R. (2002): The Mass Media and Citizens' Orientations Towards Democracy: The Experience of Six 'Third-Wave' Democracies in Southern Europe, Eastern Europe and Latin America, Paper presented to the workshop "Political Communication, the Mass Media, and the Consolidation of New Democracies" at the Joint Sessions of Workshops of the European Consortium for Political Research, 22-27 March 2002, Turin, Italy
- Vreg F. (1995): Political, national and media crises, in Paletz, D.L. & Jakubowicz K. & Novosel, P.(eds.): *Glasnost and after. Media and change in Central Europe*, 1995
- Ward, D. (2004): The European Union democratic deficit and the public sphere: An evaluation of EU media policy, European Institute for the Media, 2004
- Weffort, F. (1992): New democracies, which democracies? Working Paper no. 198, Latin American Program, Woodrow Wilson Center for Scholars, US, 1992
- Williams, R. (1962): *Communications*, London, Pinguin, 1962, 2nd edition 1969
- Wilson, Richard W. (1992): *Compliance ideologies – Rethinking political culture*, Cambridge Univ. Press, 1992
- Wolchik, S. & Zviglyanich, V. (eds.) (2000): *Ukraine – The search for national identity*, Boulder, New York, Oxford: Rowman and Littlefield Publishers inc., 2000
- Wolff, S. (2002): The Kosovo conflict. Working paper, Department of European Studies and Modern Languages, University of Bath, 2002
- World Bank Institute (2000): *Anticorruption in transition. A contribution to the policy debate*, Washington, 2000
- World Bank Institute (2001): *The media's role in curbing corruption*, WBI Working Paper authored by Rick Stapenhurst, Washington, 2001
- World Bank Institute (2002a): *The right to tell. The role of mass media in economic development*, Washington, 2002
- World Bank Institute (2002b): *Investigating corruption in Ukraine. A case study of the internet journalist Georgy Gongadze*, Washington 2002
- Young, I. (1994): Civil society and social change, *Theoria*, 1994 October
- Zyla, Roman P. (1999): Corruption in Ukraine. Between perceptions and realities. In Kuzio, T. & Kravchuk, R.S. & D'Anieri, P. (eds.) 1999. *State and institution building in Ukraine*, Macmillan, pp. 245–269

APPENDIX

The following people have given in-depth interviews for this research project:

1. György Schöpflin, Professor, School of Slavonic and East European Studies, University of London/ Member of the European Parliament (2004 June-present)
2. Miklós Haraszti, OSCE Representative on Freedom of the Media (2004-present)
3. Elemér Hankiss, Sociologist, Head of Hungarian Television (1991-1993)
4. Gábor Jelinek, Editor-in-Chief, *Budapest Business Journal* (1999-2004)
5. Ágnes Csonka, Senior journalist with *Budapest Business Journal* (1996-)
6. Tamás Kocsis, Deputy Head of Hungarian State Treasury (1998-2004)
7. István Hegedüs, Head of the Budapest-based intellectual circle, Hungarian Europe Society

8. Carlos Pascual, US Ambassador to Ukraine (2000-2003)
9. Mikolai Ryabchuk, Ukrainian intellectual, author of several chapters and books on Ukraine, Editor-in-Chief of the publication *Krytyka*
10. Ivan Lozowy, Editor of *Ukraine Insider*, and director of the Institute for Statehood and Democracy, an independent Ukrainian think tank
11. Jan Maksymiuk, Senior journalist with Radio Free Europe (Prague), Ukrainian section
12. Tom Warner, Senior *Financial Times* correspondent, Ukraine
13. Simon Pirani, UK journalist, working on an International Federation of Journalists inquiry into the Gongadze-affair

14. Jeremy Lidstone, Head of OSCE Media Department (2001-2003)
15. Anna Di Lellio, Temporary Media Commissioner (2001-2003), Kosovo
16. Richard Lucas, Managing director, RTK, Kosovo (2000-2001)
17. Elvana Prekazi, Head of Administration, RTK, Kosovo
18. György Kakuk, UN Spokesperson, Mitrovica region, Kosovo
19. Aferdita Kelmendi, Managing director, TV 21, Kosovo
20. Angela Tenbruck, Head of OSCE Media development, Kosovo
21. Sandra Khadhour, Pristina region media development officer, OSCE Media Department, Kosovo (2001-2003)

